



# राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

खंड : 49

शिमला, शनिवार, 3 फरवरी, 2001/14 मार्च, 1922

संख्या : 5

## विषय सूची

भाग-1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि	2600—2624
भाग-2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	2624—2627
भाग-3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक निधम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाईनेंशियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि	2628—2641
भाग-4	स्थानीय स्वायत्त शासन, म्यूनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग	—
भाग-5	व्यक्तिक अधिसूचनाएं और विज्ञापन	2642—2648
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भाग-7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
—	अनुपूरक	—

3 फरवरी, 2001/14 मार्च, 1922 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं :—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
गृह (ए) ए (9)-21/99, दिनांक 30 जनवरी, 2001.	गृह विभाग	जांच आयोग द्वारा रिपोर्ट प्रस्तुत करने की अधिसूचना, तारीख 28-7-2000 में यथा विनिर्दिष्ट अवधि को 31-7-2001 तक बढ़ाने वाले अधिसूचना इसके अंग्रेजी पाठ सहित।
संख्या एल० एल० आर० ई० (9) 10/2000-लेज, दिनांक 7 जनवरी, 2001	विधि विभाग	श्री महेश गुप्ता, अधिवक्ता को जिला शिमला की सीमाओं के भीतर तुरन्त प्रभाव से पब्लिक नोटरी नियुक्त करने वाले।

भाग-1—वैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं हत्यादि  
हिमाचल प्रदेश हाई कोर्ट to hold the post of Sub Judge-cum-JMIC, Chopal but for his proceeding on leave for the above period.

## NOTIFICATIONS

Shimla, the 9/10th January, 2001

No. HHC/Admn. 6 (22) 74-VII-1084.—The High Court of Himachal Pradesh in exercise of the powers vested under Section 9(5) of the Code of Criminal Procedure, is pleased to authorise the Senior Sub Judge-cum-Chief Judicial Magistrate, Mandi (H. P.) to look after the urgent work pertaining to the Court of District and Sessions Judge, Mandi in the absence of Additional District and Sessions Judge, Mandi during the leave period of Shri O. P. Sharma, District and Sessions Judge, Mandi w. e. f. 21-2-2001 to 3-3-2001 with permission to prefix special casual leave w. e. f. 29-1-2001 to 20-2-2001 and to suffix Sunday falling on 4-3-2001.

Shimla, the 12th January, 2001

No. HHC/Admn. 6(23)/74-XI-1611.—Hon'ble the Chief Justice in exercise of the powers vested in him under rule 1.26 of H. P. Financial Rules, 1971, Volume-I, is pleased to declare the Senior Sub Judge-cum-Chief Judicial Magistrate, Shimla as Drawing and Disbursing Officer in respect of the Court of Sub Judge-cum-JMIC, Chopal and also the Controlling Officer for the purpose of T. A. etc. in respect of Class-III and IV establishment attached for the aforesaid Court under head "2014—Administration of Justice" during the leave period of Shri Mukesh Bansal, Sub Judge-cum-JMIC, Chopal, w. e. f. 5-2-2001 to 14-2-2001 with permission to prefix Sunday falling on 21-1-2001 and special casual leave from 22-1-2001 to 4-2-2001 or until he returns from leave.

Shimla, the 12th/16th January, 2001

No. HHC/GAZ/14-219/96-1621.—Hon'ble the Chief Justice is pleased to grant 10 days earned leave with effect from 5-2-2001 to 14-2-2001 with permission to prefix Sunday falling on 21-1-2001 and special casual leave from 22-1-2001 to 4-2-2001 in favour of Shri Mukesh Bansal, Sub Judge-cum-JMIC, Chopal.

Certified that Shri Bansal is likely to join the same post and at the same station from where he proceeds on leave after expiry of the above period of leave.

Also certified that Shri Bansal would have continued

Shimla, the 15/16th January, 2001

No. HHC/GAZ/14-77/76-IV-1629.—Hon'ble the Chief Justice is pleased to grant *ex-post-facto* sanction of 104 days commuted leave with effect from 7-6-2000 to 18-9-2000 and 47 days earned leave with effect from 19-9-2000 to 4-11-2000 with permission to suffix Sunday falling on 5-11-2000 in favour of Shri V. K. Gupta, Addl. District and Sessions Judge, Una.

Certified that Shri Gupta has joined the same post and at the same station from where he proceeded on leave after expiry of the above period of leave.

Also certified that Shri Gupta would have continued to hold the post of Additional District and Sessions Judge, Una but for his proceeding on leave for the above period.

By order,

Sd/-

Registrar (Vigilance).

Shimla, the 19th January, 2001

No. Admn. 5 (23)/74-XI-1799.—In continuation of this Registry Notification No. HHC/Admn. 6 (23)/74-1-3467-76, dated 3-4-1984 and in exercise of the powers vested in him under Supplementary Rule 191 of the Supplementary Rules read with Rule 1.13 and Rule 1.17 of the Himachal Pradesh Financial Rules, 1971 Vol.-I, the Hon'ble the Chief Justice is pleased to declare the District and Sessions Judge (Rules) of the H. P. High Court, Shimla as Controlling Officer, during the absence of the Registrar (Vigilance), due to leave or otherwise, and in the absence of the District and Sessions Judge (Rules), due to leave or otherwise, the District Sessions Judge (Insp.) as the Controlling Officer in respect of the claims pertaining to the Registrar General/Registrar (Vigilance)/District and Sessions Judge (Rules) with immediate effect till February 24, 2001.

By order,

Sd/-

Registrar General.

## हिमाचल प्रदेश सरकार

विभागीय परीक्षा बोर्ड

अधिसूचनाएं

फैक्ट्रान, शिमला-171 012, 11 जनवरी, 2001

संख्या हिमा (परीक्षा) 21/76-5.—भारतीय प्रशासनिक सेवा/हिमाचल प्रदेश प्रशासनिक सेवा, तहसीलदार/नायब-तहसीलदार तथा राज्य में कार्यरत अन्य समस्त राजपत्रित अधिकारी/अराजपत्रित अधिकारी (अधीक्षक ग्रेड-2) व वरिष्ठ सहायक जिनके लिए विभागीय परीक्षा पार करना अनिवार्य है, के लिए विभागीय परीक्षाएं निम्न विवरणिका के अनुसार हिमाचल प्रदेश लोक प्रशासन संस्थान, फैक्ट्रान, शिमला-171012, में ही केवल दिनांक 24-4-2001 से 3-5-2001 तक आयोजित की जा रही हैं। इन परीक्षाओं का आयोजन हिमाचल प्रदेश विभागीय परीक्षा नियम, 1997 जो कि समय-समय पर संशोधित किए गए हैं, के अन्तर्गत किया जाएगा :—

क्रम सं०	दिनांक	दिन	नव/समय	भारतीय प्रशासनिक अधिकारी सेवा	हिमाचल प्रदेश प्रशासनिक सेवा अधिकारी	अन्य राजपत्रित अधिकारी तकनीकी अधिकारी	गैर-तकनीकी अधिकारी	तहसीलदार	नायब तहसीलदार
1	2	3	4	5	6	7	8	9	10
1.	24-4-2001	मंगलवार	प्रातः ( 10 बजे से 1 बजे तक)	क्रीमोनल ना एण्ड प्रोसीजर (पेपर नं० 1)	क्रीमोनल ना एण्ड प्रोसीजर (पेपर नं० 1)	—	—	—	—
			मायं ( 2 बजे से 5 बजे तक)	हिन्दी (पेपर नं० 4)	हिन्दी (पेपर नं० 4)	हिन्दी (पेपर नं० 2)	हिन्दी (पेपर नं० 2)	हिन्दी (पेपर नं० 4)	हिन्दी (पेपर नं० 4)

1	2	3	4	5	6	7	8	9	10
2. 25-4-2001	बुधवार	प्रातः (10 बजे से 1 बजे तक)	क्रिमिनल केस (पेपर नं० 2)	क्रिमिनल केस (पेपर नं० 2)	वित्तीय प्रशासन (पेपर नं० 1)	वित्तीय प्रशासन (पेपर नं० 1)	—	—	—
		सायं (2 बजे से 5 बजे तक)	रैवेन्यू ला एण्ड प्रोसीजर (पेपर नं० 3)	रैवेन्यू ला एण्ड प्रोसीजर (पेपर नं० 3)	वित्तीय प्रशासन (पेपर नं० 1)	वित्तीय प्रशासन (पेपर नं० 1)	—	—	—
3. 26-4-2001	बोरेवार	प्रातः (10 बजे से 1 बजे तक)	रैवेन्यू केस (पेपर नं० 5)	रैवेन्यू केस (पेपर नं० 5)	सम्बन्धित विभागों के लिए (पेपर नं० 3)	सम्बन्धित विभागों के लिए (पेपर नं० 3)	—	—	—
		सायं (2 बजे से 5 बजे तक)	—	सामान्य प्रशासन (पेपर नं० 6)	—	सम्बन्धित विभागों के लिए (पेपर नं० 4)	—	—	—
4. 27-4-2001	शुक्रवार	प्रातः (10 बजे से 1 बजे तक)	—	योजना एवं विकास (पेपर नं० 7)	—	सम्बन्धित विभागों के लिए (पेपर नं० 5)	लैण्ड रैवेन्यू ऐक्ट एण्ड रूलज (पेपर नं० 1)	लैण्ड रैवेन्यू ऐक्ट एण्ड रूलज (पेपर नं० 1)	—
		सायं (2 बजे से 5 बजे तक)	—	कन्स्टीट्यूशन एण्ड सिविल ला (पेपर नं० 8)	—	—	अग्निमैटिक एण्ड पटवारिज मैनसूरेजन (पेपर नं० 2)	अग्निमैटिक एण्ड पटवारिज मैनसूरेजन (पेपर नं० 2)	—
5. 28-4-2001	शनिवार	प्रातः (10 बजे से 1 बजे तक)	सिविल सर्विस ट्रेजरी एण्ड फाईनेन्शियल रूलज (पेपर नं० 9)	सिविल सर्विस ट्रेजरी एण्ड फाईनेन्शियल रूलज (पेपर नं० 9)	—	—	माईनर रैवेन्यू ऐक्टस एण्ड रूलज (पेपर नं० 3)	माईनर रैवेन्यू ऐक्टस एण्ड रूलज (पेपर नं० 3)	—
		सायं (2 बजे से 5 बजे तक)	स्पेशल ऐक्टस (क्रिमिनल) मैनसूअल एण्ड रूलज (पेपर नं० 10)	स्पेशल ऐक्टस (क्रिमिनल) मैनसूअल एण्ड रूलज (पेपर नं० 10)	—	—	क्रिमिनल ला एण्ड प्रोसीजर (पेपर नं० 5)	क्रिमिनल ला एण्ड प्रोसीजर (पेपर नं० 5)	—
6. 30-4-2001	सोमवार	प्रातः (10 बजे से 1 बजे तक)	माईनर (रैवेन्यू) ऐक्टस एण्ड मैनसूअल (पेपर नं० 11)	माईनर (रैवेन्यू) ऐक्टस एण्ड मैनसूअल (पेपर नं० 11)	—	—	रैवेन्यू केस (पेपर नं० 6)	—	—
		सायं (2 बजे से 5 बजे तक)	मोटर मैकेनिज्म एण्ड ड्राईविंग (लिखित) (पेपर नं० 12)	मोटर मैकेनिज्म एण्ड ड्राईविंग (लिखित) (पेपर नं० 12)	—	—	लोकल एण्ड स्पेशियल लाज (पेपर नं० 7)	—	—
7. 1-5-2001	मंगलवार	प्रातः (10 बजे से 1 बजे तक)	मोटर मैकेनिज्म एण्ड ड्राईविंग (प्रैक्टिकल) (पेपर नं० 12)	मोटर मैकेनिज्म एण्ड ड्राईविंग (प्रैक्टिकल) (पेपर नं० 12)	—	—	लोकल फण्ड ट्रेजरी एण्ड फाईनेन्शियल रूलज (पेपर नं० 8)	—	—
8. 2-5-2001	बुधवार	प्रातः (10 बजे से 1 बजे तक)	—	टारगेट शूटिंग (राईफल एण्ड रिवाल्वर) (पेपर नं० 13)	—	—	—	—	—

1	2	3	4	5	6	7	8	9	10
9.	3-5-2001	बीरवार	प्रातः (10 बजे से 1 बजे तक)	—	होर्स राईडिंग (वेपर नं 0 14)	—	—	—	—

समस्त इच्छुक उम्मीदवारों को यह भी सूचित किया जाता है कि प्रतिदिन प्रातः का सत्र ठीक 10.00 बजे तथा सायं का 2.00 बजे बाद दोपहर आरम्भ होगा। जो उम्मीदवार विभागीय परीक्षा में बैठना चाहते हैं वे अपने आवेदन-पत्र निर्धारित प्रपत्र पर दो नम्बर स्थापित पास-पोर्ट साईज फोटोग्राफ्स सहित अपने-अपने विभागाध्यक्षों के माध्यम से प्रपत्र के भाग-II पर अपनी पात्रता स्थापित करवा के सचिव, हिमाचल प्रदेश विभागीय परीक्षा बोर्ड, फेयरलान, शिमला-171012 को प्रेषित करें जोकि इस कार्यालय में हर हालत में 28-2-2001 तक पहुंच जाने चाहिए अन्यथा आवेदन-पत्र स्वीकार नहीं किए जा सकेंगे और न ही रोल नम्बर जारी किए जा सकेंगे।

निर्धारित आवेदन प्रपत्र मुद्रण एवं लेखन सामग्री विभाग, हिमाचल प्रदेश, घोड़ा चौकी, शिमला-171005 के विक्रय डिपो से अदायगी पर प्राप्त किये जा सकते हैं।

अब क्योंकि विभागीय परीक्षाओं का समस्त कार्य संगणक (कम्प्यूटर) द्वारा किया जा रहा है, इसलिए आवेदक यह सुनिश्चित करें कि अपना नाम, जन्म तिथि, कार्य का स्थान, पिन कोड नम्बर सहित बड़े अक्षरों में साफ व शुद्ध लिखें, जिन उम्मीदवारों ने इससे पूर्व विभागीय परीक्षाओं के जो पर्चा/पर्चे उत्तीर्ण कर लिए हैं उनका भी विवरण अर्थात् वर्ष, सत्र एवं रोल नम्बर आदि का सही ब्योरा दें। आवेदन प्रपत्र के साथ अपने पूर्ण लिखे पते (SE-6) (बिना टिकट के) लिफाफे को भी रोल नम्बर भेजने के लिए संलग्न करें।

शिमला-171012, 11 जनवरी, 2001

संख्या हिपा (परीक्षा)-21/76-5.—आबकारी एवं कराधान विभाग, हिमाचल प्रदेश के आबकारी एवं कराधान निरीक्षकों को विभागीय परीक्षा निम्न विवरणिका के अनुसार हिमाचल प्रदेश लोक प्रशासन संस्थान, फेयरलान, शिमला-171012 में हो केवल दिनांक 30-4-2001 से 3-5-2000 तक आयोजित की जा रही है। इस परीक्षा का आयोजन हिमाचल प्रदेश आबकारी तथा कराधान विभाग के आबकारी एवं कराधान निरीक्षकों के नियम, 1978 के अन्तर्गत किया जा रहा है :—

क्रम	दिनांक	दिन	सत्र/समय	पर्चे का नाम
1.	30-04-2001	सोमवार	प्रातः (10 AM to 1 PM) सायं (2 PM to 5 PM)	लॉ आफ क्राईमज एक्साईज लॉ
2.	01-05-2001	मंगलवार	प्रातः (10 AM to 1 PM) सायं (2 PM to 5 PM)	लॉ रिलेटिंग टू एलाईड केसिज प्रापरटी टैक्स लॉ एण्ड प्रैक्टिस एण्ड सिविल लाज
3.	02-05-2001	बुधवार	प्रातः (10 AM to 1 PM) सायं (2 PM to 5 PM)	लेलज टैक्स लॉ एण्ड प्रैटिस बुक कीपिंग एण्ड जनरल कमिश्नल नालेज
4.	03-05-2001	बीरवार	प्रातः (10 AM to 1 PM)	लैहंदा सक्रिप्ट (अमृतसरिया सहाजनी)

समस्त इच्छुक उम्मीदवारों को सूचित किया जाता है कि प्रतिदिन प्रातः का सत्र ठीक 10.00 बजे और सायं का सत्र ठीक 2.00 बजे (बाद दोपहर) आरम्भ होगा। जो उम्मीदवार विभागीय परीक्षा में बैठना चाहते हैं वे अपने आवेदन-पत्र निर्धारित प्रपत्र पर दो नम्बर स्थापित पासपोर्ट साईज फोटोग्राफ्स सहित अपने विभागाध्यक्ष के माध्यम से प्रपत्र के भाग-II पर अपनी पात्रता स्थापित करवा के सचिव, हिमाचल प्रदेश विभागीय परीक्षा बोर्ड, फेयरलान, शिमला-171012 को प्रेषित करें, जोकि बोर्ड के कार्यालय में हर हालत में दिनांक 28-2-2001 तक पहुंच जाने चाहिए अन्यथा देर से प्राप्त हुए आवेदन प्रपत्रों को स्वीकार नहीं किया जा सकेगा और न ही रोल नम्बर जारी किये जा सकेंगे।

निर्धारित आवेदन प्रपत्र मुद्रण एवं लेखन सामग्री विभाग, हिमाचल प्रदेश, घोड़ा चौकी, शिमला-171005 के विक्रय डिपो से अदायगी पर प्राप्त किये जा सकते हैं।

अब क्योंकि विभागीय परीक्षाओं का समस्त कार्य संगणक (कम्प्यूटर) द्वारा किया जा रहा है, इसलिए आवेदक यह सुनिश्चित करें कि वे अपना नाम, जन्म तिथि, कार्य का स्थान, पिन कोड नम्बर सहित बड़े अक्षरों में साफ व शुद्ध लिखें जिन उम्मीदवारों ने इससे पूर्व विभागीय परीक्षाओं के जो पर्चा/पर्चे उत्तीर्ण कर लिए हैं उनका भी पूर्ण विवरण अर्थात् वर्ष, सत्र एवं रोल नम्बर आदि का ब्योरा दें। आवेदन प्रपत्र के साथ अपने पूर्ण लिखे पते (SE-6) लिफाफे को भी रोल नम्बर भेजने के लिए संलग्न करें।

सुभाष चन्द्र शर्मा,  
सचिव,  
हिमाचल प्रदेश विभागीय परीक्षा बोर्ड,  
फेयरलान, शिमला-171012.

## बहुदेशीय परियोजनाएं एवं विद्युत विभाग

## अधिसूचना

शिमला, 12 जनवरी, 2001

संख्या विद्युत-छ (5) 50/98.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत परिषद, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0सी0) के अन्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, को अब अपने व्यय पर निम्नलिखित भूमि जो विवरणी में दर्शाई गई है, नहीं चाहिए।

अतः अब राज्यपाल, हिमाचल प्रदेश, भू-अर्जन अधिनियम, 1894 की धारा 48 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए इस विभाग द्वारा जारी की गई अधिसूचना संख्या विद्युत-छ-(5) 50/98, दिनांक 17-3-99 तथा संख्या विद्युत-छ (5) 50/98, दिनांक 28-9-99 जो कि भू-अर्जन अधिनियम, 1894 की धारा 4, 6 व 7 के अन्तर्गत मीजा आंजी, तहसिल व जिला सोलन (हि0 प्र0) में 400 के0वी0 मंचार लाईन रेड (नालागढ़) से कुनिहार (अर्की) के निर्माण हेतु जारी की गई थी में से नीचे दी गई विवरणी में निदिष्ट भूमि की अब भू-अर्जन कार्यवाही सहर्ष वापिस लेते हैं।

## विवरणी

जिला : सोलन

तहसिल : सोलन

मीजा	खमरा नं०	रकबा (बीघों में)
आंजी	137/1	0 07

आदेश द्वारा,

हस्ताक्षरित/-  
सचिव (विद्युत)

1	2	3	4
7. Ref. No.	14/94-Smt. Kamla Devi Vs. M/s Sirmaour Sug-burg Auto Ltd., Parwanoo, District Solan.	-do-	Publi-cation
8. Ref. No.	91/93-General Sec. Employees Trade Union Vs. G. M. Desi Sharab Karkhana, Mehatpur, District Una.	-do-	-do-
9. Ref. No.	147/99-Ramesh Chand Vs. Asstt. Engg H. P. P. W. D. Sub-Division Nagrota-Bagwan, Kangra.	-do-	-do-
10. Ref. No.	146/97-Parkash Attri Vs. Gurbachan Singh.	-do-	-do-
11. Ref. No.	58/97-Shri Anil Kumar & Others Vs. H. P. P. W. D. Nahan.	-do-	-do-
12. Ref. No.	126/96-Ramesh Kumar & Others Vs. Central Co-operative Consumer Store, Shimla.	-do-	-do-
13. Ref. No.	27/96-Himachal Desi Shrab Karkhana Karamchari Sangh, Mehatpur Vs. H. P. General Industrial Corp. Ltd. Shimla.	-do-	-do-
14. Ref. No.	18/96-Shyam Bahadur Vs. M/s Sidhartha Super Spinning Mills Ltd.. Solan.	-do-	-do-

By order,

Sd/-

Fin. Commr.-cum-Secretary.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour  
Court, Shimla

Ref. 82 : 97.

Decided on : 14-9-2000

Prithvi Singh &amp; others

.. Petitioner.

Vs.

Deputy Manager M/s Ballarpur Industries Ltd., Hoshi-  
arpur & Others. ..Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

14-9-200:—Present.—Shri Hem Raj A.R. the petitioner.  
Shri V. K. Sharma for the res-  
pondent.

Parties have settled the matter amicably. The petitioner  
have given up the claim for re-instatement and have recei-  
ved compensation in full & final settlement. They have  
also made statement recorded separately that they do  
not press their claim any further. In view of the state-  
ment reference is answered in the negative as per the state-  
ment. The copy of the award be sent for publication.

Seal. (ARUNA KAPOOR).  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge. H. P.  
Industrial Tribunal-cum-Labour Court, Shimla

Ref. 87 : 96

Decided on : 20-9-2000

Smt. Rumla Devi

..Petitioner.

Vs.

The Principal D.A.V. School Kotkhail, District  
Shimla .. Respondent.

## LABOUR AND EMPLOYMENT DEPARTMENT

## NOTIFICATION

Shimla-2, the 21st December, 2000

No. 19-8/97-Shram-II.—In exercise of the powers  
vested under section 17 (1) of the Industrial Disputes  
Act, 1947, the Governor, Himachal Pradesh is pleased  
to order the publication of the awards in the Rajpatra  
announced by the Presiding Officer, Labour Court of  
the following cases:—

Sl. No.	Particulars	Section	Remarks
1	2	3	4
1. Ref. No. 82/97-Prithvi Singh & Others Vs. M/s Ballarpur Industrial Ltd, Hoshiarpur.		10	Publication
2. Ref. No. 87/96-Rumla Devi Vs. D. A. V. School Kotkhail, District Shimla.		-do-	-do-
3. Ref. No. 182/99-Hussan Chand Vs. M/s National Standard Duncans Ltd. Tehsil Nalagarh, District Solan.		-do-	-do-
4. Ref. No. 57/2000-Shaukat Ali Vs. M. D. Arynite Enterprises, Baddi & Others.		-do-	-do-
5. Ref. No. 3/2000-Furkan Ali Vs. Management of M/s Arsh Casting Ltd., Jagatpur.		-do-	-do-
6. Ref. No. 35/96-Jasbir Singh Vs. Usha Telehaust Ltd., Jhar-majri, Barotiwala, Distt. Solan.		-do-	-do-

*Reference under Section 10 of the Industrial Disputes Act, 1947*

20-9-2000.—*Present*.—Shri Hem Raj A. R. for the petitioner.  
Shri Rajeev Sharma Adv. for the respondent.

Neither petitioner nor her evidence is present today. The ordersheet reveals that the petition is being fixed for pw's since 1997 and many opportunities have been given to the petitioner to examine her evidence. Today again prayer is made for adjournment, which rejected. Case is pending since 1996 and neither any steps have been taken for examining PW's nor any reason for adjournment is being furnished. Now evidence of the petitioner is closed.

No evidence is to be led by respondent. Since the petitioner has failed to lead evidence to prove that she was terminated illegally. Therefore, the issue is decided against her and the present reference is decided against her.

Hence, the reference is answered in negative be sent for publication and file be consigned to record room.

Seal. Sd/-  
(ARUNA KAPOOR),  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Industrial Tribunal-cum-Labour  
Court, Shimla

Ref. 182/99.  
Decided on 25-9-2000.

Shri Hussan Chand ..Petitioner.

Vs.

M/s National Standard Duncuns Ltd, Tehsil Nalagrah,  
District Solan .. Respondent.

*Reference under Section 10 of the Industrial Disputes Act, 1947.*

25-9-2000:—*Present*.—Shri J. C. Bhardwaj A. R. for the petitioner.  
Shri R. S. Kocher for the respondent.

Parties have arrived at a settlement, whereby the petitioner has accepted Rs. 4,000/-as full and final settlement of this claim and has not pressed for re-instatement. The statements of the parties have been duly recorded.

Hence, reference is answered accordingly. Payment has been made to the petitioner in view of settlement. Be sent for publication.

Seal. Sd/-  
(ARUNA KAPOOR),  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Industrial Tribunal-Cum-Labour Court,  
Shimla

Ref. 57/2000  
Decided on 3-10-2000

Shri Shaukat Ali ..Petitioner.  
Vs.

M. D. Arynite Enterprises, Baddi & others.  
.. Respondent.

*Reference under Section 10 of the Industrial Disputes Act, 1947.*

3-10-2000:—*Present*.—Shri A. K. Sharma for the petitioner.  
Shri V. K. Gupta A. R. for the respondent.

The petitioner's representative as well as of respondent have placed Ex. M-1 on record. According to which the management has given payment on account of bonus and leaves for the year of 1997 and wages for the period from 4-2-2000 to 17-3-2000. The workmen have also been taken back in service with continuity in service. In view of Ex.M-I, the reference is answered accordingly. Let a copy of this order be sent to the appropriate Government for its publication and file be consigned to record room.

Seal. Sd/-  
(ARUNA KAPOOR),  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Industrial Tribunal-cum-  
Labour Court, Shimla

Ref. : 3/2000  
Decided on 19-10-2000

Shri Furkan Ali ..Petitioner.

Vs.

Management of M/s Arsh Casting Ltd., Jagatpur  
.. Respondent.

*Reference under Section 10 of the Industrial Disputes Act, 1947.*

19-10-2000 :—*Present*.—Shri O. P. Sharma Ado. for the petitioner.

Shri Harsh Khanna, Ado. for  
the respondent.

As per statement of the Ld. Counsels for the parties, the petitioner has settled the dispute with the respondent as full and final settlement of his claim and do not want to pursue their claim. Therefore, in view of the settlement Ex R. A. and the statements made on oath, the reference is answered accordingly. Let a copy of this order is sent for publication.

Seal. Sd/-  
(ARUNA KAPOOR),  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Labour Court, Shimla

Ref. No. 35 of 1996

Instituted on : 31-8-1994

Decided on : 19-10-2000

Shri Jasbir Singh son of Shri Karan Singh, V. P. O.  
Gharaunda, District Karnal, Haryana ..Petitioner.

Versus

M/s Usha Telehaust Ltd., Village Jharmajri, Barotiwala,  
District Solan .. Respondent.

*Reference under Section 10 of the Industrial Disputes Act, 1947.*



For petitioner : Shri J. C. Bhardwaj, A. R.

For respondent : Shri Surinder Chaudhary, A. R.

### AWARD

This reference has been received from the appropriate government. The claim of the petitioner is that his services were terminated by the respondent *w. e. f.* 1-3-1994 and the letter *vide* which his services were terminated was issued with *malafide* intentions and amounts to unfair labour practice. It is contended that earlier the petitioner was suspended on 27-2-1993 on a false charge, but no domestic enquiry was conducted and he was retrenched by adopting a short cut method. It is also contended that persons junior to him were retained by the respondent as per their own admission and so the retrenchment is violative of Section 25-G of the Industrial Disputes Act, 1947. It is also contended that the retrenchment is also hit under Section 25-N of the act as the approval of the State Government was not taken. The claim petition is accompanied by the letter of retrenchment and the letter of suspension.

2. In reply filed by the respondent, it is contended that the petition is not maintainable and Secondly that the matter is to be decided only as per the reference.

3. On merits, it is contended that a case under section 376 I. P. C. was registered against the petitioner and due to his involvement in the case, he was put under suspension. However, in the mean time, the work force and was found to be surplus in the category of moulders and after assessing the efficiency, trustworthiness, reliability and the attendance of each workman belonging to that category some workmen were retrenched though junior in the same category who were found more efficient and trustworthy were retained. It is submitted that Section 25-G of the Act is only directory in nature and since the retrenchment has been done on a valid ground, therefore, there is no violation of Section 25-G of the Act.

4. It is also submitted that the retrenchment of the petitioner was not a punitive action nor it amounted to any stigma on his career. Therefore, there was no need for any domestic enquiry. Rather that he was retrenched under Section 25-F of the act and due compensation was offered to him. It is also submitted that there were less than 100 workmen working for the establishment of the respondent. Therefore, the provisions of Section 25-N of the Act are not attracted.

5. On the pleadings of the parties, my learned predecessor framed the following issues on 22-2-1995:—

1. Whether the termination of the petitioner Shri Jasbir Singh is illegal and unjustified? If so, to what relief the petitioner is entitled to? OPP.
2. Relief.

### FINDINGS

6. *Issue No. 1.*—The reference which has been received reads "as to whether the retrenchment of Jasbir Singh without any charge-sheet, enquiry is not legal and valid and if so, then to what wages, seniority and other consequential benefits, he is entitled to". The claim petition which has been preferred is also with regard to the termination of the petitioner under section 25-F and 25-G. It is contended that the termination without holding any enquiry was illegal as prior to his retrenchment, he had been put under suspension and thereafter with *malafide* intentions his services were terminated *vide* letter Annexure-A.

7. The contents of Annexure-A read that petitioner was found to be surplus and his services stood retrenched with immediate effect. This letter further reads that the junior workmen have been retained as they were

found to be more efficient, trustworthy and more disciplined. Further a sum of Rs. 4340/- which included one month's pay and Rs. 1085/- as retrenchment compensation at the rate of 15 days wages for every completed year of service was also offered by way of a money order, which was allegedly being sent by the Company on the same day.

8. Annexure-B is the letter of suspension, which mentions that since an FIR has been registered against the petitioner and two other persons under section 376, 506/34 IPC at Police station, Barotiwala and that the petitioner was arrested in the said FIR. Therefore, as per Para-22 of the certified standing orders of the company, he was being placed under suspension *w. e. f.* 25-2-1993.

9. The contentions of the petitioner is that though the letter Annexure-A does not mention that he is being retrenched as a punishment consequent to his involvement in a criminal case, yet in fact, he being the office bearer of the union he was retrenched from service as a punishment without holding any enquiry, serving any charge-sheet or affording any opportunity to him to explain his conduct. Therefore, this letter Annexure-A is *malafide* and a colourable exercise.

10. The second argument of Shri J. C. Bhardwaj, AR for the petitioner is that though a mention has been made that the retrenchment compensation has been sent by way of money order, but there is no proof that in fact any such retrenchment compensation was sent or offered. Therefore, section 25-F of the act has not been duly complied with.

11. The third contention of the petitioner is that as per letter Annexure-A itself, junior persons have been retained which amounts to the violation of section 25-G of the Act.

12. The petitioner who has appeared in the witness box as his own witness has mentioned that he was arrested on a false charge as he was the General Secretary of the Workers Union at that time. He also maintained that he had served a demand notice on 2-11-1992 on the management in the capacity of the General Secretary of the Workers Union. He also denied that any money order of retrenchment compensation was sent to him, which he declined to receive.

13. To read evidence, which has been led by the petitioner, respondent has examined Shri Laxman Labh, Senior Manager Works, who has stated in the examination in chief itself that he was the Senior Manager and that on 24-2-1993 a criminal case was registered against the petitioner for raping a girl and therefore, he was suspended. Suggestions have been given to him that this false case was cooked up by the management to falsely implicate the petitioner to facilitate his ouster from the employment. He has expressed his ignorance that the petitioner was acquitted in that case *vide* judgement Ex. PA. He was however, admitted that no charge-sheet was framed against the petitioner. He also mentioned that retrenchment compensation was sent alongwith one month's pay through money order, however, that the receipt of the post office is not in their possession. He also mentioned that only efficient and sincere workmen were retained though no enquiry was held with regard to the inefficiency of the petitioner.

14. After hearing the arguments of both the parties, the following points emerge for discussion:

1. Firstly, whether the retrenchment of the petitioner was retrenchments simpliciter under section 25-F of the Industrial Disputes Act. If so, whether the requirement of section 25-F of the act were duly complied with.
2. Whether the retrenchment of the petitioner was in fact punitive in nature and required a charge-sheet, domestic enquiry etc.?
3. Whether the provisions of section 25-G of the Act were violated or not?

15. Now coming to the first question, section 25-F of the act requires payment of retrenchment compensation and a notice of one month or pay of one month in lieu of notice. Further requirement is that this compensation is a condition precedent, to any retrenchment. The notice contemplated by Section 25-F may be one month's notice or pay in lieu thereof. This section covers three aspects (a) notice must be given to workman in writing, (b) reasons must be disclosed to the workman and (c) that the compensation and notice pay be given simultaneously along with retrenchment. Section 25-F is mandatory regarding the payment of compensation at the time of retrenchment. These requirements are conditions precedent to the retrenchment and all those conditions must be complied with before the workman is actually retrenched. This specifically includes payment of compensation or at least a genuine and bonafide offer to pay the amount. The offer must be genuine and bonafide. I find support in my view from the authority 1993-ILR- Bombay High-Court-455.

16. In this case though Annexure-A mentions that compensation was being sent by money order on the same day, but there is nothing on record to show that any such money order was in fact sent, delivered or was though offered but refused by the petitioner. So the proof regarding the fulfilment of these conditions, especially the condition to pay or offer the payment of compensation is not fully complied with. Therefore even if the retrenchment is considered under Section 25-F of the act, it is not strictly in accordance with the Industrial Dispute Act.

17. As regards the arguments of the petitioner that this retrenchment is punitive in nature, there is sufficient material on record to prove this aspect. Admittedly a criminal case was registered against the accused under Section 376 I. P. C. and after the petitioner was arrested in the case. He was put under suspension vide Annexure-B. During the subsistence of that suspension order, petitioner was allegedly found surplus and though persons junior to him were retained, he was retrenched by the management. The reasons for retaining the juniors as per Annexure-B was that they were more efficient and trustworthy, which means that the petitioner who though was senior was found less efficient and less hard working and delegent. Firstly there is nothing on record to show whether any bonafide assessment of the efficiency of the workman was made. Secondly, even if the petitioner was inefficient or less efficient, then his juniors. He was to be afforded an opportunity of explaining his inefficiency before he was retrenched. The efficiency of a workman vis-a-vis the other is a relative term and to say that the management did not label the petitioner as inefficient, rather labelled junior workmen as more efficient is just a jugglery of words and in fact amounts to casting a stigma on the efficiency of the petitioner and so enquiry was essential before he was retrenched or terminated.

18. So, it appears that the management not only violated the procedure of natural justice, but also committed violation of Section 25-G of the act by retaining juniors in the employment on the basis of a self satisfying reasons of juniors being more efficient and hard working.

19. Since the petitioner had been suspended due to a criminal charge against him and was acquitted of the charge by the Court vide judgment Ex. PA, so normally he was required to be re-instated in service, which was not done. Therefore, examining it from all the angles, it appears that the petitioner was retrenched as a punishment or his involvement in the criminal case, which was ultimately found to be unsustainable by the competent court of jurisdiction. Admittedly, he was the General Secretary of the union at that time and had been raising demands on behalf of the union. So probably a convenient excuse was formed to retrench him from the employment by serving a notice under Section 25-F of the act which was against the principles of natural justice. It has been held by the Hon'ble the Supreme Court reported

in 2000 L. L. R. 577 that termination of a casual employee on the allegations of assaulting a watchman resulting in a criminal case was unsustainable without a regular enquiry. It is also held in this authority that termination of the services without fulfilling due process of law though paying retrenchment compensation by cheque which was accepted by the employees does not amount to surrendering of the constitutional right in favour of the employer. Similarly it has been held by Hon'ble Punjab and Haryana High Court reported in 1999 L. L. L. 557 that absence of a workman from work due to involvement in a criminal case is a just ground for absence and a reasonable opportunity has to be given to the petitioner to put forth his claim. Similar *vids* have been expressed by Hon'ble the Supreme Court in 1990 L. L. R.-41 D.

20. In view of this discussion above, I hold that the petitioner has been illegally retrenched from service without holding any enquiry or handing over any charge-sheet etc. Petitioner is, therefore, entitled to re-instatement in service with seniority and with back wages to the extent of 25% of the pay which was being drawn by him at the time of retrenchment. The issue is decided accordingly in favour of the petitioner.

#### RELIEF

21. Keeping in view the aforesaid finding and discussions, I hold that the petitioner has been illegally retrenched from service without holding any enquiry or handing over any charge-sheet. Therefore, the petitioner is entitled to re-instatement with full back seniority and back wages to the extent of 25% of the pay which was being drawn by him at the time of retrenchment. The reference is answered accordingly. Let a copy of this award be sent to the appropriate government for publication in accordance with law.

Announced in the Open Court today this 19th Day of October, 2000.

Seal. Sd/-  
(ARUNA KAPOOR),  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
H. P. Labour Court, Shimla

Ref. No.: 14 of 1994

Instituted on : 21-2-1994

Decided on : 19-10-2000

Smt. Kamla Devi W/o Shri Ram Nath, House No. 385, Railway Colony, Kalka, Haryana.

.. Petitioner.

Versus

M/s Sirmaur Sugburg Auto Ltd., Parwanoo, District Solan

.. Respondent.

Reference under Section 10 of the Industrial Disputes Act, 1947.

For petitioner: Shri A. K. Sharma, A. R.

For respondent : Shri V. K. Gupta, A. R.

#### AWARD

This reference has been received from the appropriate Government regarding the legality of the termination of the services of Smt. Kamla Devi from the service of the respondent. The petitioner in her statement of claim has alleged that she was employed as Helper w. e. f. 12-3-1988 and was put under suspension on 10-11-1990. She was terminated on the basis of a fabricated charge-sheet enquiry conducted against her was unfair and not



proper rather she has been victimized on account of her Trade union activities. Therefore, she is entitled to re-instatement with all consequential benefits.

2. In the reply filed by the respondent, it is alleged that there was no bias or victimization of the petitioner, rather on the receipt of the complaint, a proper and fair enquiry was conducted. The petitioner did not participate in the enquiry despite several opportunities, and after receiving the report of the Enquiry Officer, she was terminated from service.

3. In addition, it was submitted that if enquiry is found to be vitiated, then the respondent reserves the right to prove the misconduct of the petitioner before the Court.

4. On the pleadings of the parties, the following issue not was framed by my learned predecessor on 27-9-1994. Thereafter, additional issues not Aid were framed on 12-9-2000:—

1. Whether the termination of the petitioner Kamla Devi is illegal and unjustified? If so, to what relief the petitioner is entitled to? .. OPP
- 1 A. Whether the enquiry conducted by respondent is not proper and legal .. OPP.
- 1 B. If issue No. 1A is decided in favour of the petitioner, then whether the petitioner is guilty of misconduct as alleged? .. OPR.
2. Relief.

#### FINDINGS

5. Issues 1, 1A, 1B: and I will deal with all the three issues collectively as all these issues require the appreciation of the same evidence and law.

6. Petitioner has appeared herself in the witness box in support of her contentions. Whereas, the respondent has examined Shri Nitin Kumar, who was the Enquiry Officer and Shri Anadi Sharma, the Manager (Personnel) of the respondent. They have also filed the original record of the enquiry in support of their contentions.

7. The main grievance of the petition is that the enquiry was not proper and fair as petitioner had no faith in the Enquiry Officer and had made a representation to the Enquiry Officer regarding the same and since the Enquiry Officer was not changed, so she did not participate in the enquiry. Her second contention is that she being the member of the Sirmour Sidburg Karam Chari Union, she has been victimized unnecessarily and infact this enquiry is not fair. The statement of the petitioner is very vague and does not prove firstly that she was an active member or office bearer of the Sirmour Sidburg Karmchari Union. Her statement also does not show that she had any reasons to believe that the Enquiry Officer was genuinely prejudiced against her. She has not examined any person to prove that she was actually working for the Union and has thus annoyed the management. No other worker of the union or office bearer of the union has been examined by her to prove this fact. On the contrary, the enquiry report shows that the office bearers of the union had deposed against her before the Enquiry Officer. So, this submission of the petitioner that she had been victimized being an active member of the association is not borne out from the record.

8. The other argument of the petitioner is that she did receive the charge-sheet, but informed the Enquiry Officer that she will not participate in this enquiry unless until the Enquiry Officer is changed, as she apprehends that she will not get justice from him. Again it is not evident from the record as to what was the basis of the petitioner to entertain the doubt regarding the Enquiry

Officer. The record reveals that at the very initial stage, the application was moved by the petitioner expressing her apprehension. However, it is not clear which act of the Enquiry Officer led her to believe that enquiry is not going to be fair. Only reason given by her is that the Enquiry Officer told her to leave the activities of the Union. But this fact is also not supported by any other evidence. Therefore, a more apprehension in the mind of the petitioner is not sufficient to hold that the Enquiry Officer is prejudiced or will not give fair opportunity to the petitioner. It is held by Hon'ble the Kerala High Court in 1978 (37) FLR-305 that any apprehension without any basis in mind of a delinquent will not vitiate domestic enquiry. It was observed that a more apprehension in the mind of an employee facing a domestic enquiry or a bald allegation or imputation against the Enquiry Officer cannot and will not constitute the element of bias to vitiate the domestic enquiry.

9. In the present case, no substantive evidence has come on record to prove the bias. Therefore the enquiry which was undertaken *ex-parte* against the petitioner cannot be held to be vitiated due to non participation of the petitioner. More so, when the Enquiry Officer was an advocate and not an employee of the respondent and as per the admission of the petitioner himself she had been duly intimated about the date of enquiry and also the reasons for rejecting her prayer for change of the Enquiry Officer.

10. The enquiry proceedings which have been filed in the Court and documents which have been duly exhibited by the petitioner prove that the complaint regarding the misconduct was supported by the complainant before the Enquiry Officer. The statements of S/Shri Lashkri Ram, Prem Lata, Bua Dass, Hari Nand Verma etc prove the precise misconduct of the petitioner. No suggestion was given to the Enquiry Officer when he appeared as a witness in the Court that these persons were enmical towards her or had any other reason to depose against her. The office bearers of the Sirmour Sidburg Karamchari Union like Hakam Singh who was the cashier and Shri Hari Nand Verma who are the independent witnesses supported the contentions of misconduct and also that previously also the petitioner had picked up a quarrel and had given beatings to a fellow worker.

11. Except from the fact that the petitioner alleged the Enquiry Officer to be biased against her, the enquiry report has not been challenged on any other ground. Bias of the Enquiry Officer is not proved on record nor it is established that she was victimized for being a active member of the union. Therefore, the enquiry against her was properly and fairly conducted in which she was given full opportunity to participate and defend herself, though she failed to do so for the reasons best known to her.

12. The learned counsel for the petitioner also prayed that the punishment is too harsh. I have examined the record of the enquiry from this angle as well. However, the misconduct by way of giving beatings to a fellow worker and repeating the same misconduct subsequently is a serious charge and I think that the punishment awarded to the petitioner cannot be termed as excessive or harsh. It has been held by Hon'ble Madras Court in a matter reported in 1 LLJ-1980-425 that the length of service of a workman is not relevant for the imposition of the punishment for a proved misconduct. It has further been observed that even an undertaking by a employee for a better behaviour in future is not relevant. Again it was held by the Bombay High Court in 1982 Lab 1. C-97 that even a single act of disobedience will amount to insubordination. However, in the present case, the allegations which are levelled against the petitioner are more serious in nature and stand duly proved.

13. So, in view of this discussion, I hold that the dismissal of the petitioner from service is justified. I also hold that the enquiry which was conducted by the respondent was proper and legal. I, therefore, decide all these issues in favour of the respondent and against the petitioner.

### RELIEF

14. Keeping in view the aforesaid finding and discussions, I hold that the petitioner could not prove her case and the reference is answered in negative. Let a copy of this Award be sent to the appropriate government for its publication.

Announced in the Open Court today this 19th day of October, 2000.

Seal: ARUNA KAPOOR.  
Presiding Judge.  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Labour Court, Shimla

Ref. No: 91 of 1993.

Instituted on : 5-10-1993.  
Decided on : 23-10-2000.

General Secretary  
Employees Trade Union (INTUC),  
Country Bottling Plant, Mehatpur,  
District Una, Himachal Pradesh .. Petitioner

Versus

General Manager Desi Sharab Karkhana, Mehatpur,  
District Una

Reference under Section 10 the Industrial Disputes  
Act, 1947.

For petitioner : Shri R. K. Singh, A. R.

For respondents : Shri R. L. Kaith, Advocate.

### AWARD

This reference has been received from the appropriate government regarding the genuineness of the demands raised by the petitioner union who are working in the Country Bottling Plant, Mehatpur. The demands which have been raised by the petitioners are firstly that though they were being paid production bonus till 1985-86, but thereafter the same was arbitrarily withheld by the management. It is submitted that though the management has been conveying to them that the demand has been referred to the State Government, but so far no decision has been taken. It is also submitted that the management had agreed in principle to pay the production bonus from the year, 1986-87, which is evident from the proceedings of the meetings held between the union and the management in 1989, 1991 and 1993. Petitioners have mentioned that production bonus @ 20% is liable to be paid to them alongwith interest.

2. The second demand of the union is that their salaries should be equated with that of M/s Mohan Meakin Breweries Ltd., Solan or that with the Himachal Pradesh State Government. They have also demanded that they should be given Casual leave, Medical leave, Sick leave and festival and holidays at par with the state government employees. Further that they should be given encashment of earned leave to the extent of 240 days and earned leave be allowed to accumulate for 30 days in a year as is being done in case of state government employees.

3. Petitioners have also mentioned that though vacant posts are existing, but they are not being filled by the management. Hence that the persons from the junior cadre should be promoted to these posts.

4. Petitioners have also demanded that a factory colony should be constructed for the employees as otherwise they have to pay heavy rent from their own pockets. The petitioners have also demanded night shift allowance and tool kits for the employees.

5. The respondent in their reply has taken the preliminary objection that the reference is bad as it has been sent by the appropriate authority without application of mind in a mechanical manner. It is also submitted that Bonus can only be paid in accordance with the Payment of Bonus Act, which is a complete code in itself and the claim of the petitioner is not maintainable under the I. D. act. The respondent has denied that the management had ever agreed to grant production bonus from the year, 1986-87 onwards. Rather that the petitioners are only entitled to the statutory bound @ 8.33% which is being paid to them.

6. The demand regarding parity of pay scales with M/s Mohan Meakin Breweries and state government has also been stated to be unjustified. It is submitted that the functions being performed by the employees of the state government are not comparable to those of the factory employees. Hence, there cannot be any parity between the two. Further that there cannot also be any comparison between the pay scales of M/s Mohan Meakin Breweries Ltd. and the Country Liquor Bottling Plant Mehatpur. The product being produced by two concerns are different. Moreover, the sale of liquor of Mehatpur is only confined to the territorial jurisdiction of Himachal Pradesh, whereas, the wine manufactured by M/s Mohan Meakin Breweries is being sold throughout the country and is also exported. It is also submitted that the financial position of these two establishments are not comparable. So the demand is not justified.

7. The respondent has also mentioned that the leaves and holidays are being granted to the workers as per the relevant rules applicable to them. Moreover, the demand, that the leave encashment and accumulation of leave equivalent to state government servants be same cannot be justified as the two services are not comparable. Further it is submitted that promotion cannot be claimed as a matter of right. Rather have to be earned on the basis of efficiency merit and availability of the post which has to be assessed by duly constituted Committee, however, at present promotions cannot be granted as there is no scope of extension. Moreover, that promotion, being a managerial function, it cannot be adjudicated upon by this Court. The management has also alleged that due to the financial constraints, it is not possible to build a residential colony or to pay night shift allowance or to provide tool kits and hence that the demands raised by the union are not justified and cannot be met, and it is prayed that the same be rejected.

8. On the pleadings of the parties my learned predecessor framed the following issues on 27-4-1994.

1. Whether the demands of the employees Trade Unions (AITUC) Country liquor Bottling Plant Mehatpur which are contained in its demand notice dated 8-9-92 are genuine and justified? If so, to what relief the workmen are entitled to? OPP.
2. Relief.

### FINDINGS

9. Issue No. 1.—On behalf of the petitioners, Shri Ashok Kumar General Secretary of the Employees Trade Union appeared in the witness box. In rebuttal Shri S. M. Sinha Officer on Special Duty has appeared for the management.

10. Shri Ashok Kumar PW-1 has mentioned that they are being paid statutory bonus @ 8.33% from the very beginning, but till 1986, they are being paid the production bonus @ 2.67%. It is submitted that after 1986 demand has been raised for the payment of production bonus and the management agreed for the same, but conveyed that the same can only be paid after the approval of the state government. However till date, the production bonus as claimed has not been paid. He has exhibited the copy of the minutes of the meetings and the letter written by the Conciliation Officer, which are Ex. P. C. and Ex. P. D. This witness has ascertained that factory is making profit every year.

11. Shri Ashok Kumar has further stated that since the factory of the respondent is running in the State of Himachal Pradesh and is an undertaking of the Government. Therefore, they are entitled to the pay scales at par with the State Government employees. He has also mentioned that they are also entitled to the earned leave of 30 days, encashment of leave etc. at par with the government employees. He has also mentioned that though House Rent Allowance @ Rs. 100/- to Rs. 150- P. M. is being given, but the houses are not available on this rate. He has also justified his demand for tool kits and Night Shift Allowance.

12. In cross-examination, he has expressed his ignorance regarding the overall profit and loss situation of the General Industries Corporation, of which respondent is a unit. Though he has mentioned that the production of the factory has increased from 14 lac proof litres to 32 lac proof litres from 1976 to 1993. But urged that the cost of production has also increased during this period. He also admitted that the bonus was paid to them only for 3 years and thereafter, there was no agreement between the management and the employees for the payment of any bonus. He has been given suggestion regarding which he has expressed his ignorance that the bonus which was paid till 1986 was in fact an incentive bonus as the production in the factory had decreased due to the trade union activities. To another question he has replied that he does not remember whether the production bonus of more than 2.67% was ever given to them.

13. He also admits that in the past government scales were never given to them or to other industries. He admits that they are being granted leave as per the factories Act and as per the Festival and Holidays Act. He has also not been able to give example of Night Shift Allowance being paid in any of the factories except National Fertilizer Ltd. Naya Nangal.

14. On the other hand, Shri S. N. Sinha, RW-1 who is the Chartered Accountant of the Factory has mentioned that the scales of Haryana Breweries have been adopted by them. He also mentions that General Industries Corporation is running in losses and further that the cost of production in this factory is higher than other factories. He mentions that incentive bonus has not been paid since 1986 as the target of production has not been achieved. A suggestion has been given to him that though the Government is ready to pay the production bonus, but the management is not acceding the demand. This suggestion has been denied by him. He also mentions that factory is not in a position to give government pay scales to the workers as it is not financially viable to bear the burden.

15. Besides the oral evidence, a number of documents have also been exhibited. I will be dealing with the documents at later stage.

16. In nut-shell the argument of the petitioners is that since the factory is making profit and since the production bonus was being paid to them till 1986 continuously, so they are entitled to this bonus in future also w.e.f. 1986 onwards. Bonus can only be granted either under the payment of bonus Act or as customary bonus. However, for paying customary bonus certain conditions are required to be fulfilled. So on order to bring this bonus under the heading of customary bonus,

petitioners were required to prove the condition 2 has been enumerated by Hon'ble the Supreme Court in AIR 1965-SC-1499 such as that (a) Bonus was being paid for an unbroken series of years for a specifically long time (b) it was being paid irrespective of the losses and did not depend upon the earnings of the profit and (c) that the payment of bonus was being made on uniform rate throughout. None of these conditions have been shown to have been fulfilled in the present case. Admittedly, the production bonus or incentive bonus was paid only for three years. It is also not brought on record that it was paid at a uniform rate irrespective of loss or profit being made by the factory. So the demand cannot be covered under the customary bonus.

17. The argument of the petitioner is that since the factory is making profit and they were getting production bonus till 1986 and so they are entitled to the same. The production bonus or the incentive bonus is squarely covered under the payment of Bonus Act and so this demand has to be examined in accordance with the provisions of this Act. Hon'ble the Supreme Court has held in 1979 FJR-54 that the payment of on the basis of profits or on the basis of production or productivity, or the matters connected thereto are to be covered under this Act. Since in this case, the specific demand of the petitioner is for grant of the production bonus on the plea that the production has increased. Therefore, the extent and grant of production bonus will be governed by the provisions of the payment of Bonus Act. Hon'ble Mysore High Court in 1973-FJR-467 has been that Payment of Bonus Act being comprehensive statute, it would be open to workmen to claim bonus only within the four corners of the Act and not outside it. So in order to succeed, the petitioners have to prove that they are entitled to 20% bonus as per the provisions of the Payment of Bonus Act.

18. Section 10 of the Act provides for a minimum bonus of 8.33% of the salary or wages earned by an employee during the accounting year. Admittedly, this bonus is being paid. Section 11 of the Act provides for the payment of maximum bonus @ 20% on such salary or wages depending upon the available surplus when exceeds the amount of minimum bonus payable to the employees. How the allocable surplus has to be computed has also been provided for under section 15 of the Act. The set off have also been provided under the act itself. So, in order to succeed, the petitioners were required to prove the total available surplus after deducting the amounts deductible under section 6 of the payment of Bonus Act. The petitioners were required to prove either by summoning the record from the management or by independent evidence that the production or the profit is to the extent which entitles them to the maximum bonus @ 20%. However, no sufficient evidence has been led in this regard. Though some documents in the form of letters have been placed on file but they are not sufficient to prove the total allocable surplus for the entitlement of 20% bonus on the basis of the profits earned by the respondent. These documents mainly are letters forwarding the demands of the union to the State Government. In all these letters and also in the proceedings of the minutes of the meeting of the union and the management it has been mentioned that the decision with regard to the Bonus will be taken by the cabinet. In the present proceedings, States of Himachal Pradesh has not been made a party. Therefore, though the demand of the Union with regard to the production bonus was considered by the management, but whether the extent of bonus nor period of bonus was specified rather it is mentioned that final decision will be taken by the State Cabinet which according to the record available on the file has not been communicated till today by the cabinet. In these circumstances, the management can not be held responsible and can not be directed to issue order regarding the production bonus.

19. Moreover, it is admitted by the PW that Bonus of more than 2.67% was never given to the employees even till 1986. Therefore, the demand of payment of production bonus of @ 20% is not at all justified. The petitioner has placed on file the balance sheets or the

profit and loss statement, but the figure of allocable surplus after due documents have not been brought on record so that the production bonus could be computed in terms of the payment of Bonus Act. So I hold that the petitioner has not been able to prove and justify their demand for the payment of production bonus.

20. Now coming to the second demand with regard to the pay scales at par with M/s Mohan Meakin Breweries Ltd., Solan or that of the Himachal Pradesh Government employees. No parity can be drawn between the pay scales of the State Government employees and the factory workers. The function, terms and conditions of service, the nature of job of the two services cannot be equated and therefore, no parity can be drawn between the two services. As regards comparison between M/s Mohan Meakin Breweries and Mehatpur Brewery, again the petitioners were required to establish that the nature of work, the service conditions, the financial conditions of the two establishments and the overall circumstances of both the concerns are similar and comparable. However, this evidence is lacking. It has come in the reply of the respondent which has not been rebutted that different product is being manufactured, by these two establishments and the area and scope of marketing of the two products is entirely different. Further that there is no comparison between the financial conditions of two establishments and there is no similarity with regard to other circumstances of the two establishments. Therefore, no parity can be drawn in this regard. The petitioner has not alleged that minimum wages or the fair wages are not being paid. Therefore, the demand of the petitioner with regard to parity of pay scales with Mohan Meakin Breweries or that of State Government employees is not justified.

21. For the same reason, there can not be any parity with regard to the earned leave, medical leave or encashment of leave salary between petitioners and Himachal Pradesh Government employees. The workers union are regulated by the Factories Act and Festival and Holidays Act. Admittedly neither there is any precedent nor any justification for equating them with the State Government employees. As regards the payment of House Rent, workers, are admittedly being paid between Rs. 100/- to Rs. 150/- per month. No case is made out by them for constructing a residential colony without first establishing the financial credentials of the management which have failed to prove. Similarly, no sufficient evidence has been led regarding the genuineness of the demand of the night shift allowance and fool kits.

22. Lastly, the demand for filling up on the vacant posts. Again except for some communications between the respondent No. 1 and Respondent No. 2 that some posts are required to be filled for smooth functioning of the factory, there is nothing on record to show that the management has any *malafied* intentions in not giving promotions or in not filling the posts. Promotions and filling of the vacancies is basically a managerial function and unless and until the *malafides* are imputed to the management, no instructions can be issued in this regard.

23. So, in view of the discussions above, I hold that the demands raised by the petitioners are not justified and decide this issue against the petitioner.

#### RELIEF

24. Keeping in view the aforesaid findings and discussion, I hold that the demands raised by the petitioner are not justified and the present reference is answered in negative. Let a copy of this reference be sent to the appropriate government for its publication.

Announced in the open Court today this 23rd Day of October, 2000.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Industrial Tribunal-cum-Labour  
Court, Shimla

Ref. No. 147/99

Decided on 31-10-2000

Shri Ramesh Chand Workers .. Petitioner.

Vs.

Asstt. Engg. H. P. P. W. D., Sub-Division Nangal-  
Bagwan, Kangra .. Respondent.

Reference Under Section 10 of the Industrial Disputes  
Act, 1947

31-10-2000:—Present:—None.

The case called thrice waited for quite some time. It is 3.50 p. m. Still. None appeared. It seems that either the petitioner has settled the matter or is not interested to pursue this petition. Hence this reference is dismissed for the non prosecution of the reference. Therefore, the reference is answered in negative. Let a copy of this order be sent to the appropriate Govt. in accordance with law.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H. P. Industrial-cum-Labour Court, Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge  
Himachal Pradesh Industrial Tribunal-cum-Labour  
Court, Shimla

Ref. No. 146/97

Decided on 15-11-2000

Shri Parkash Attri .. Petitioner.

Vs.

Shri Gurbachan Singh Bohra .. Respondent.

Reference Under Section 10 of the Industrial Disputes  
Act, 1947

15-11-2000:—Present:—None for the petitioner.

Shri P. K. Sharma, A. R. for the respondent.

Registered notices of the petitioner have been received back with the remark that the petitioner has 'left'. The perusal of the order sheet shows that except on 22-12-97, when the presence of the petitioner was marked. On no other hearing, the petitioner appeared in the Court. Repeated notices were sent to the petitioner, but the report which was received was that the petitioner does not stay in the house the address of which he has mentioned in this proceeding. In these circumstances, since no purpose will be served by keeping the case pending. I order that the petitioner be dismissed for non prosecution and reference is answered against the petitioner for want of support of the claim of the petitioner. Let a copy of this order be sent to the appropriate government for its publication.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H. P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Smt. Aruna Kapoor, Presiding Judge,  
Himachal Pradesh Labour Court, Shimla

Ref. No. 58 of 1997

Instituted on : 21-4-1997



Decided on : 3-11-2000

1. Shri Anil Kumar s/o Shri Daulat Ram, Near Bus Stand, Nahan.
2. Shri Bachana Ram s/o Shri Baru Ram, Village Kandaiwala, P. O. Berma Papri, Tehsil Nahan, District Sirmaur.
3. Ramesh Chand s/o Shri Surat Ram, Village Dahun, P. O. Parara, Tehsil Nahan.
4. Ramesh Chand s/o Shri Prem Singh, Village Kataula, P. O. Sainwala, Tehsil Nahan.
5. Ram Swaroop s/o Shri Pratap Singh, Village Chambla, P. O. Banothi, Tehsil Nahan.
6. Ramjeet Singh s/o Shri Prithvi Singh, Village, Dhagera, P. O. Thana Karoga, Tehsil Nahan.
7. Sohan Singh s/o Shri Rattan Singh, Village P. O. Bharogbneri, Tehsil Paonta, District Sirmaur.
8. Hukami Ram s/o Shri Kisho Ram, Village Sanari, P. O. Jamta, Tehsil Nahan.
9. Gopi Ram s/o Shri Chet Ram, Village Bohal, P. O. Banethi, Tehsil Nahan.
10. Tjveer Singh s/o Shri Sawanu Ram, Village Kando Katiar, P. O. Jamta, Tehsil Nahan.
11. Krashnu s/o Shri Balaru, Village Bhail, P. O. Gagat, Shikara, Tehsil Pachhad, Sirmaur.
12. Krishan Singh s/o Shri Khem Singh, Village Malgaon, Panjahal, Tehsil Nahan.
13. Bhag Singh s/o Shri Mansha Ram, Village Shilanu, P. O. Panjahal, Tehsil Nahan.
14. Joginder Singh s/o Shri Amar Singh, Village Katorel P. O. Banethi, Tehsil Nahan.
15. Shamshet Singh s/o Chatter Singh, Village and P. O. K. W. Bhood, Tehsil Nahan.
16. Swaroo Singh s/o Shri Baru Ram, Village Kandaiwala, P. O. Merma Papri, Tehsil Nahan.
17. Ram Chand s/o Shri Inder Singh, Village Khutoan, P. O. Barma Papri, Tehsil Nahan.
18. Dev Raj s/o Shri Gopal, s/o Malawala, P. O. Shambuwalla, Tehsil Nahan.
19. Kundan Singh s/o Shri Zalam Singh, V. Kashelag, P. O. Kangra, Tehsil Nahan .. *Petitioners.*

Versus

Executive Engineer, H. P. P. W. D., Nahan

.. *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947

For Petitioner : Shri A. K. Gupta, Advocate.

For respondent : Shri B.S. Bharwal, A. R.

## AWARD

This reference has been received from the appropriate government regarding the termination of services of 19 workers who were allegedly terminated from service without compliance of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act). A joint claim petition has been filed by the petitioners alleging that they were engaged as daily waged beldars by the P. W. D. Division Nahan and that they completed 240 days of continuous employment. However, their services were dispensed with without giving them any notice or compensation. Hence, they are entitled to be re-instated in service with all the benefits.

2. In the reply filed by the respondent, it is submitted that State of Himachal Pradesh is a necessary party. It is contended that due notice of retrenchment was served upon Petitioner No. 1 and Petitioner No. 15. They were offered and paid retrenchment compensation and though Petitioner No. 15 accepted the compensation, but petitioner No. 1 evaded to receive this notice and compensation. Hence, that they have no case. As regards other petitioners, it is submitted that they abandoned the job on their own and their services were never terminated by the respondent and so they are not entitled to any claim. It is also submitted that record with regard to Petitioner No. 16 and 18 is not available with the

respondent for want of details regarding the time and the Sub-division where, they were working. It is submitted that in view of these facts, the petition does not survive.

3. On the pleadings of the parties, my learned predecessor framed the following issues on 2-9-98 :

1. Whether the termination of the petitioners is illegal without complying the provisions of Section 25-F of the I. D. Act ? If so, its effect ? OPP.
2. Relief.

## FINDINGS

4. *Issue No. 1.*—Two of the petitioners have stopped into the witness box namely Shamsher Singh and Pachna Ram. According to Shamsher Singh, he was given a notice of retrenchment, but the compensation was paid to him after about 8/9 months. This fact is also borne out from the statement of Shri B. S. Bharwal, Assistant Engineer, H. P. P. W. D., Nahan, who states that the compensation amount was not paid till February, 1991 though the retrenchment notice was served upon him in September, 1990. This fact also finds support from the copies of the notices, which are Annexure 2 and 3. So, the compensation though has been paid, but the same is not in accordance with the law, as compensation is supposed to be offered at the time of retrenchment, which has not been done.

5. As regards petitioner No. 1, there is nothing on record to show that any notice of retrenchment was served upon him or any compensation was offered to him, but he refused to accept same, though notice of retrenchment has been placed on record, but there is nothing to show that the same was served on the petitioner and despite the service of notice and offer of the retrenchment compensation, petitioner No. 1 evaded to receive the same.

6. As regards other petitioners, the respondent department has exhibited the record of actual working days. According to which, petitioner at Serial No. 1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, & 17 have completed 240 days of work in the calendar year preceeding the retrenchment. Rest of the petitioners i.e. numbered 2, 4, 12, 13, 16, 18 and 19 of the claim petition have not completed the requisite number of 240 days in order to qualify for the notice under section 25-F of the Act or compensation. Therefore, their claim fails, as they have not lead any evidence to show that they have completed 240 days as required.

7. Now coming to those petitioners, who have completed 240 days, the defence of the respondent is that they voluntarily abandoned the service and their services were never terminated. Shri Pachna Ram who has appeared as his own witness and also on behalf of other petitioners has denied this fact. He has mentioned that he never left the job on his own rather, that when he was retrenched, he was told that one person was surplus. To counter this claim, Shri B. S. Bharwal, has though stated that the services of the petitioners were not terminated by the respondent, yet, he has not been able to prove from any such official record that the petitioners abandoned the job themselves. He has mentioned in the cross-examination that if a worker does not come for work on first of the month, it is presumed that he has abandoned the job. However, he was confronted with the claim of one of the petitioner Shri Ram Chand, where he was present on the first of the month, but was not marked present after 12th of that month. He has also admitted that he came to receive the wages at the end of the month. He also admitted that there is no note on the muster roll regarding the abandonment. He also admits that he has no personal knowledge that the petitioners met the Executive Engineer for job, but that as per the record they did not meet any body for work after the abandonment of the job.

8. The material which has come on record does not prove that all the petitioners abandoned the job

voluntarily. Rather, it appears from the statement of RW-1 that some of the workers were retrenched as there was no work available and there were financial constraints. The record maintained by the respondent also does not show that the petitioners abandoned the job voluntarily. Therefore, in view of the statement of the petitioners and in view of the working days of the petitioners, those petitioners who have completed more than 240 days in a calendar year, were entitled to a notice and retrenchment compensation, which admittedly has not been given except the petitioner No. 15 to whom also compensation has been paid after more than 6/7 months of the retrenchment. Therefore, I hold that the termination of services of these petitioner i. e. petitioner No. 1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15, & 17, bad in law and they are entitled to re-instatement in service with seniority.

9. None of these petitioners, however, have pleaded that they were out of the job and were not gainfully employed during this period. The learned counsel of the petitioners has also not staked the claim of wages for this period during the course of arguments. Therefore, I hold that though petitioners mentioned at Sr. No. 1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15 and 17 are entitled for full back seniority, but they are not entitled to back wages. However, the claim of petitioners No. 2, 4, 12, 13, 16, 18 and 19 fails. The issue is decided accordingly.

10. Keeping in view the aforesaid finding and discussion, I hold that the termination of the petitioner: 1, 3, 5, 6, 7, 8, 9, 10, 11, 14, 15 & 17 is bad in law and they be re-instated with full back seniority but without back wages. As regards petitioners No. 2, 4, 12, 13, 16, 18 and 19, they could not prove their claim. Hence, the reference is answered accordingly. Let a copy of this award be sent to the appropriate government for its publication.

Announced in the Open Court today this 3rd Day of November, 2000.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour Court,  
Shimla.

In the Court of Mrs. Aruna Kapoor, Presiding Judge  
H.P. Labour Court, Shimla

Ref. No. 126 of 1996.

Instituted on 6-11-1996.

Decided on 3-11-2000.

Shri Ramesh Kumar c/o Shri Hem Raj, 9 Bawa  
Building, The Mall, Shimla-3 .. Petitioner.

Versus

Central Co-operative consumer Store Ltd., The Mall,  
Shimla-3 through its Liquidator (Assistant Registrar  
Co-operative Societies) .. Respondent.

Reference under Section 10 of the Industrial Dispute  
Act 1947.

For petitioner Shri Hem Raj, AR.

For respondent: Shri Ashok Sood, Advocate.

#### AWARD

This reference has been received from the appropriate government. The question posed is "whether the demand of Shri Ramesh Kumar Ex. Salesman for his re-instatement by the Liquidator (Assistant Registrar, Co-operative Societies) Central Co-operative Consumer Store, Super Bazar, The Mall, Shimla-1 is legal and justified, if yes, to what relief and compensation Shri Ramesh Kumar is entitled to". The petitioner has mentioned in the claim petition that he was appointed

on 3-3-1981 as Salesman and served till 28-8-1995. He was dismissed from service without serving any written orders and he only came to know about his dismissal by a notice published in a daily news paper. So he raised a dispute and despite the efforts of the Conciliation Officer, there was no conciliation. Hence, the reference was made to this Court. It is submitted that no sufficient opportunity was given to the petitioner to file reply to the charge-sheet and he was condemned unheard. It is admitted that on one of the hearings before the Enquiry Officer, the petitioner was unable to appear and thereafter, he was not informed about the date. It is also submitted that the Enquiry Officer acted in a haste and has based his findings on the documents which are not relied upon and are not mentioned in the list of documents. Further that no show cause notice was given to him before passing the dismissal order and that Enquiry Officer was biased.

2. In the reply filed by the Central Co-operative Consumer Store, Shimla, preliminary objections have been raised that the claim petition is not maintainable as the Co-operative Society is a registered society and S. 72(C) of the Co-operative Societies Act bars the jurisdiction of the civil Courts of adjudicate in such matters. Further that the Central Cooperative Consumer Store Shimla has gone into liquidation and Liquidator stands appointed and so the claim of the petitioner is only entertainable by the Liquidator and this Court has no jurisdiction. Further that the Liquidator got the enquiry conducted through Inspector Co-operative Societies and it was conducted in accordance with the service rules and the regulations. Petitioner could have appealed against this order under the provisions of rule 32 of the Standing orders before the Registrar Co-operative Societies.

3. On merits, it is contended that full opportunity was given to the petitioner to appear and defend himself as he was charge sheeted for misappropriation of funds while employed as Salesman. It is asserted that full opportunity was given to the petitioner, but he failed to avail the opportunity and that the enquiry was conducted as per the service and conduct rules. Hence that the claim petition deserves to be dismissed.

4. On the pleading of the parties, my learned predecessor framed the following issues on 20-3-97:—

1. Whether the termination of the petitioner from service is violative of Section 25-F of the I.D. Act, 1947 as alleged? OPR.
2. Whether the petition is not maintainable as alleged? OPR.
3. Whether this Court has no jurisdiction to entertain, try and decide the present dispute on the grounds as alleged? OPR.
4. Relief.

5. Issue 2 & 3.—I will deal with Issues No. 2 & 3 first of all as it relates to the jurisdiction of the Court to learned counsel for the respondent that respondent society is registered and as per Section 72(C) of the H.P. Co-operative Societies Act, the jurisdiction of the civil courts is specifically barred and the disputes has to be referred to the Registrar for decision. Therefore, this Court has no jurisdiction to adjudicate the matter. In this regard, the Learned AR for the petitioner has relied upon the service rules and Standing Orders of the Central Co-operative Consumer Store, Shimla. He has referred to clause 32 sub clause (ii), which reads that the employees jointly has the option to refer any dispute for decision under the Industrial Dispute Act, in case they are not convinced with the order of the Registrar. This section therefore, provides that the action of referring of dispute under the Industrial Disputes Act has to be taken jointly by the employees and secondly only in case they are not convinced by the orders of the Registrar. In this case, both these conditions are not



fulfilled. The perusal of the Standing Orders also show that the Standing orders regulate the service conditions of the employees of the Consumer store and the Standing Orders are made only to regulate the recruitment, promotions and other conditions of service relating to various posts in the said store. Even otherwise, the standing orders will not over ride the specific provisions of the co-operative Societies Act, which bars the jurisdiction of civil Courts specifically.

6. Shri Hem Raj, AR has also relied upon the judgement of Hon'ble Punjab and Haryana High Court reported in 199(2) SLR-699, wherein it has been held that under section 102 of the Haryana Co-operative Societies Act an industrial dispute between a co-operative society and its workmen has to be referred to Industrial Tribunal set up under the Industrial Disputes Act, 1947. It is also held that if no objection is raised before the Labour Court regarding its jurisdiction then the plea of jurisdiction can not be allowed to be taken at a subsequent stage. Firstly this authority is under section 102 of the Haryana Co-operative Societies Act, 1984. There is nothing on record to show that section 102 of that Act is analogous to section 72 of the H.P. Co-operative Societies Act. Secondly the plea regarding the jurisdiction has been raised before the Labour Court unlike the case which was pending before the Hon'ble Punjab and Haryana High Court. So this authority is of no help to the petitioner. Rather in AIR-SC-2652 where a reference had been made under the Madhya Pradesh Co-operative Societies Act to the Labour Court and the Labour had held that the domestic enquiry was vitiated. It was held by Hon'ble the Madhya Pradesh High Court which decision has been further upheld by Hon'ble the Supreme Court that the reference under section 10 of the Industrial Disputes Act is excluded in view of the specific provisions of the Societies Act. Hon'ble the Supreme Court has referred to section 55 of the Co-operative Societies Act, which gives the power to the Registrar to deal with the disciplinary matters relating to the employees in the society and it was held that where a dispute relates to the termination of the employee, working conditions, disciplinary action taken by society, the Registrar or any officer appointed by him shall decide the dispute and his decision shall be binding on the society and its employees.

7. Section 72(c) of the Himachal Pradesh Co-operative Societies Act reads "notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management, or the business of a co-operative society arises—

(a) .....

(b) .....

(c) between the society, or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee the nominee heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the society; or

(d) .....

(e) .....

such dispute shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute. Therefore, in view of the law laid down by Hon'ble the Supreme Court and the specific provisions in the H.P. Co-operative Societies Act, 1971, I am of the opinion that the matter could not have been referred to the Industrial Tribunal and the jurisdiction is specifically barred.

8. Further, it has come in evidence that Central Consumer Co-operative Store, Shimla is under liquidation and the Liquidator has been appointed. So as

per the section 80 of the H.P. Co-operative Societies Act, the Liquidator has stepped into shoes of the Registrar and he exercises the jurisdiction to entertain any appeal of its employees with regards to the service conditions, or charges of misconduct. Hence, on this ground as well, the jurisdiction of this Court is barred. I, therefore, decide these issues in favour of the respondent and against the petitioner.

9. Issue No. 1. —In view of the findings given on issues No. 2 & 3, the question whether there is any violation of Section 25-F of the Industrial Disputes Act, 1947 cannot be gone into by this Court. Therefore, this issue is decided accordingly.

#### RELIEF

10. Keeping in view the aforesaid findings and discussion, I held that this court has no jurisdiction to try and adjudicate the reference. Hence, the reference is answered in negative. Let a copy of this award be sent to the appropriate government for its publication.

Announced in the Open Court today this 3rd day of November, 2000.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour  
Court, Shimla.

In the Court of Mrs. Aruna Kapoor, Presiding Judge,  
H.P. Labour Court, Shimla

Ref. No. 27 of 1996.  
Instituted on : 16-3-1996.

Decided on 4-11-2000.

Himachal Desi Sharab Karkhana Karamchari  
Sangh, Mahatpur. ..Petitioners.

Versus

Managing Director, H.P. General Industries Corporation Ltd., Shimla. ..Respondent.

Reference under Section 10 of the Industrial Dispute Act, 1947.

For petitioners : Shri B. L. Lakhanpal, AR.

For respondent : Shri R. L. Kaith, Advocate.

#### AWARD

This reference has been received from the appropriate government regarding the withdrawal of certain medical facilities to the workers of Country Liquor Bottling Plant, Mahatpur w.e.f. 29-4-1994 by the Managing Director, H.P. General Industries Corporation Shimla. The facts as stated in the claim petition are that the petitioner union is a recognized union of workmen employed in the Country Liquor Bottling Plant, Mahatpur. It is submitted that ESI Act was made applicable to the the industrial area Mahatpur in 1981. However, on the representation of the management exemption was granted under Section 90 of the ESI Act on the ground that better and superior medical facilities are being provided to the workers. Necessary exemption was granted under Section 90 of the ESI Act by the State Government. It is submitted that since the Civil Hospital and dispensary were situated at a distance from the Bottling Plant, therefore, registered medical practitioners were engaged by the respondent for medical attendance and treatment. Re-imbursement of the medical expenses as per the prescriptions of such RMPs was provided for. It is submitted that this alternative arrangement made by the respondent became the service condition of the workmen of the Country liquor Bottling Plant, Mahatpur. However, in April,

1994, respondent suddenly withdrew this customary concession of re-imbursement of medical expenses in gross violation of Section 9A of the Industrial Disputes Act, 1947.

2. It is submitted that due non-availability of Government Hospital in Mehatpur area, registered Medical Practitioner has been engaged and this practice was in vogue for the last over one decade. This concession which had become the part of the wages has been infringed. Hence that the action of the respondent being invalid and void, the reference may be answered in favour of the petitioner union.

3. In reply preliminary objections have been raised that this reference is not maintainable as no vested right of the petitioner has been infringed nor any such conditions have been changed. Secondly that the petitioner union is not majority union and is not a recognised body. So it cannot espouse the cause of the workmen.

4. On merits, it is admitted that exemption of EST Act was sought and was granted. However that the provision of providing facilities of private medical practitioner was just a stop gap arrangement and had been run on experimental basis and since it was not working satisfactorily therefore, it was withdrawn and the workmen are now provided the facilities of government run hospitals and dispensaries and this facility is more superior and adequate as the Doctor in these hospitals are more trained in scientific treatment. It is submitted that there was no reason for issuing notice, under Section 9-A of the Industrial Disputes Act. Hence, that the reference may be answered in favour of the management.

5. On the pleadings of the parties, my learned predecessor framed the following issues on 17-2-97:—

1. Whether the withdrawal of medical facility (re-imbursement) from the private doctors to the petitioner union is illegal and contrary to the provisions of Act as alleged? OPR.
2. Whether the reference in its present form is not maintainable as alleged? OPR.
3. Whether there is no cause of action against the respondent as alleged? OPR.
4. Whether the present petitioner union cannot espouse the cause of the workmen as alleged? OPR.
5. Relief.

#### FINDINGS

6. *Issue No. 4.*—First of all, I will deal with issue No. 4. Though this objection has been taken that the petitioner union is a minority union and does not espouse the cause of all the workmen but no evidence has been led in this regard. So much so that no such question has been put to PW-1 who claims to be the General Secretary of the petitioner union. There is nothing on record to show that the petitioner union has not been recognised or is a minority union and is not competent to represent the workmen. Therefore, this issue is decided against the respondent.

7. *Issue No. 1.*—The facts are not much in dispute. Admittedly ESI Act was made applicable in the area of Mehatpur in the year, 1991. However, in 1994, exemption was given to the respondent plant from the operation of the ESI with retrospective effect on the ground that better and superior facilities are already being provided to the workers. The documents in this regard are Ex. PA and PB. Another document Ex. PC with regard to the appointment of the medical consultants which

decision was taken in the board meeting held on 29-3-89. As per this decision, three doctors were appointed on a monthly retainerhip of Rs. 300/- each per month and it was mentioned that this was done to provide better and prompt medical service. This facility was being availed by the workers till it was withdrawn vide a notice dated 29-4-1994. The only dispute is whether the withdrawal of the medical facilities amounts to the change in the service conditions of the employees and attract the provisions of Section 9A of the Industrial Disputes Act.

8. Section 9-A reads that no change in service condition will be brought about in respect of any matter specified in IV Schedule without giving the notice to the workman and no change will be brought within 21 days of giving such notice. IV Schedule apart from other items provides for withdrawal of any customary concession or change in the usage. According to the petitioners, the withdrawal of the medical facility for getting re-imbursement of the private medical practitioners amounts to withdrawal of the customary concession and the prevellages and usage and that no such change could be brought out without any notice. Admittedly, no notice under Section 9A has been served. So, the dispute revolves around the question whether the withdrawal of these facilities amounts to withdrawal of customary concessions or prevellages or change of usage under clause 8 of the IV Schedule of the Industrial Disputes Act.

9. Two witnesses have been examined on behalf of the petitioners. Both of them have stated that the Hospital is far away and that is why provisions for re-imbursement of the treatment, by private, medical practitioner was adhered to. It is stated by them that this became a part of their service condition and that this practice was being followed for a considerable long time.

10. On the other hand, Shri L. R. Sharma, Senior Manager Personnel has mentioned that the instructions were received from the State Government, who had taken a policy decision vide letter Ex. RW-1/A. facilities were withdrawn as the Government hospitals were there and the facility now being provided are at par with the government servants. The perusal of these statements show that for 5 to 10 years, the facilities of RMP were being used by the workers and had been withdrawn unilaterally. There is nothing on record to show that any additional facility was provided in lieu of the withdrawal of these facilities. Since a local Doctor at Manjholi where the plant is situated was also appointed as a private medical practitioner vide decision Ex. PC and so the facility of the workers was adversely affected by withdrawal of such appointment. The facility in my opinion had become a customary concession or a part of service conditions and could not be unilaterally withdrawn without the compliance of Section 9A of the Industrial Disputes Act. The only reason given by the respondent is that this was withdrawn in view of the policy decision taken by the State Government. However, even if it was so, it was required that a notice was given under Section 9A of the Industrial Dispute Act, so that the workers could place their viewpoint. Hence, I hold that the withdrawal of these facilities without complying with Section 9A of the Industrial Disputes Act is illegal and contrary to the provisions of the Act. Hence, I decide this issue against the respondent and in favour of the petitioner union.

11. *Issue No. 2 & 3.*—No arguments have been addressed on these issues. I do not see any defect regarding the maintainability of the reference. Moreover, there is cause of action in view of the withdrawal of the facilities which was being availed by the petitioners. I therefore, decide these issues against the respondent.

12. Keeping in view the aforesaid findings and discussion, I hold that the petitioners have succeeded in proving that the withdrawal of the medical facilities (re-imbursement) from the private doctor to the petitioner union without service of any notice under Section

9-A of the Industrial Disputes Act is contrary to the provisions of the Industrial Disputes Act, is bad in law. Hence, the reference is answered in favour of the petitioner/s. Let a copy of this award be sent to the appropriate government for its publication.

Announced in the Open Court today this 4th Day of November, 2000.

Seal.

ARUNA KAPOOR,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-Labour  
Court, Shimla.

In the Court of Mrs. Aruna Kapoor, Presiding Judge,  
H. P. Labour Court, Shimla

Ref. No. 18 of 96.

Institute on : 4-3-1996.

Decided on : 7-11-2000.

Shyam Bahadur, through Sh. J. C. Bhardwaj,  
Dy. Gen. Secy. H.P. AITUC, Hq. Saproon, District  
Solan, H.P. .. Petitioner.

*Versus*

M/s Sidhartha Super Spinning Mills Ltd. Nihal Khera  
(Nalagarh), Distt. Solan, H.P. through its Managing  
Director .. Respondent.

Reference under section 10 of the Industrial Disputes  
Act, 1947.

For Petitioner : Shri J. C. Bhardwaj, A.P.

For respondent Shri Rahul Mahajan, Advocate.

#### AWARD

This reference has been received from the appropriate government regarding the termination of service of Shri Shyam Bahadur by the management of M/s Sidhartha Super Spinning Mills Ltd. Nalagarh. The allegation of the petitioner is that he was working as casual worker from 29-6-1985 to 4-8-94 on which date his services were unlawfully dispensed with. It is submitted that he was on sanctioned leave from 20-11-1993 to 10-12-1993. Thereafter he had applied for medical leave upto 30-4-1994. He had submitted the medical certificate Ex. P-I and though he appeared in the factory on 2-5-1994, but he was not allowed to join the duties. So he made a representation to the management but he was intimated by the management. Another representation was made by him on 7-5-1994. Thereafter, the demand notice was served on 29-5-1994, which is Ex. P-4. This demand notice was replied to by the management vide Annexure P-5. It is submitted that the management misplaced the medical certificate deliberately after the service of the demand notice but the petitioner submitted the photo copy of the medical certificate again. Despite this he was served with a suspension letter on 25-6-1994 and enquiry was ordered against him.

2. Shri I.N.K. Sinha was made the Enquiry Officer. However since Mr. I.N.K. Sinha was the initiator of the injustice against the petitioner, so the petitioner expressed his doubts about the fairness of the enquiry and represented that the Enquiry Officer be changed. His request was rejected. Again he made a representation that he may be given opportunity to engage the Defence Assistant of his choice, which request was again not acceded to by the Enquiry Officer. It is submitted that fair opportunity was not given to him to defend himself. Rather, the Enquiry Officer himself examined the witnesses in the capacity of the representative of the management. Thus, his approach was not fair. Though a show cause notice was served by the management vide Annexure P-16 but that enquiry report was not given to him and so the provisions of law have been violated.

3. It is submitted that one reference No. 123 of 1993 was pending before the H.P. Industrial Tribunal and the management did not take permission of approval of the court before service the dismissal order on him. It is also submitted that since the enquiry was not fair, it may be declared as null and void and he may be re-instated in service with full back wages and seniority etc.

4. In the reply filed by the management all the allegations are denied. It is submitted that petitioner had gone on sanctioned leave upto 10-12-1993, but did not report for duty thereafter. He was sent two letters through registered post to join duty, but it did not evoke any response from him. It is further submitted that his allegations that he reported for duty on 30-4-1994 is absolutely wrong and is apparent from the medical certificate itself because the medical certificate has been issued on 30-4-1994 at Balia & so the petitioner could not have reported in the factory on 30-4-1994. It is also submitted that no medical certificate was given or tendered by the petitioner and petitioner only made representation in June, 1994 and he was allowed to join the duties but was put under suspension for wilful unauthorised absence from duty.

5. It is submitted that fair enquiry was conducted and the request for the change of the Enquiry Officer was rightly rejected as there was no basis for changing the Enquiry Officer. It is also submitted that the petitioner wanted Shri J. C. Bhardwaj or Shri Ramzan to assist him in the enquiry, but since both these persons were not the workers of the factory, his request was rejected and he was advised to have any of his co-workers as his Defence Assistant. It is submitted that fair opportunity was given to the petitioner to defend himself and the enquiry officer in his capacity put some questions in cross-examination to the PWs which is wanted by law. It is also submitted that intimation regarding dismissal was sent to the Industrial Tribunal during the pendency of the Reference No. 133/93. Hence that the reference deserves to be decided against the petitioner.

6. On the pleadings of the parties, my learned predecessor framed the following issues on 11-7-96:

1. Whether the domestic enquiry held by the respondent before the dismissal of the petitioner is not legal and valid .. OPP.
2. Whether the reference is bad in law .. OPR.
3. Whether the petitioner has obtained gainful employment after his dismissal. If so, to what effect ? .. OPR.
4. Relief.

#### FINDINGS

7. Issue No. 1.—The letter of suspension which is Ex. PG says that he remained absent unauthorisedly and had remained absent in the past also. Thereafter, he was asked to explain his conduct within 72 hours. His reply Ex. PH was not found satisfactory and domestic enquiry was ordered. Thereafter, there are certain letters such as Ex. PJ, PK, PL, PM, PJ, PN, and Ex. P. O. vide which the petitioner has made request for changing the Enquiry Officer and for providing Defence Assistant of his choice. These requests were rejected by the Enquiry Officer. According to both the parties, petitioner thereafter joined the enquiry and the Enquiry Officer gave the report against him on completion of the enquiry. Submission of the petitioner is that the Enquiry Officer was not fair as he himself put many questions to the witnesses as the representative of the management which conduct of the Enquiry Officer was not above board and disclosed his bias against the petitioner and second argument is that though a second show cause notice was issued to him on 28-8-1994, but the copy of the enquiry report was not supplied to him.

8. The dismissal order is Ex.P5 and has been issued on 4-8-1994. Before that, show cause notice Ex. P.O., dated 28-7-1994 has been issued to the petitioner which has been replied to by him vide Ex. PR, dated 30-7-1994. According to the respondent, the enquiry report was also sent alongwith this show cause notice. Perusal of both these document show that there is no reference of sending the enquiry report alongwith the show cause notice. Again there is an other letter which is dated 18-8-1994 in which it is mentioned that the copy of the enquiry report alongwith the copy of the domestic enquiry proceedings were again being sent to Shri Shyam Bahadur. This document does not however mention specifically that the enquiry report had already been sent to him alongwith the show cause notice Ex. P.O.

9. The Management has examined Shri Prabhu Nath who is the Head Time Keeper of the respondent company and he also mentions that a show cause notice was issued on 28-7-94 and has expressed his ignorance as to whether any enquiry report was also given to the petitioner at the time when show cause notice was given to him. On the other hand, petitioner has stated on oath that he was not given any enquiry report alongwith the show cause notice. In this regard Hon'ble the Supreme Court has held as reported in 1991 Lab. I. C. 308.

"Deletion of the second opportunity from the scheme of Art. 311(2) of the Constitution has nothing to do with providing of a copy of the report to the delinquent in the matter of making his representation. Even though the second stage of the inquiry in Art. 311(2) has been abolished by amendment, the delinquent is still entitled to represent against the conclusion of the Inquiry Officer holding that the charges or some of the charges are established and holding the delinquent guilty of such charges. For doing away with the effect of the enquiry report or to meet the recommendations of the Inquiry Officer in the matter of imposition, of punishment, furnishing a copy of the report becomes necessary and to have the proceeding completed by using some material behind the back of the delinquent is a position not countenanced by fair procedure. While by law application of natural justice could be totally ruled out or truncated, nothing has been done by the 42nd amendment which could be taken as keeping natural justice out of the proceedings and the applicability of the rules of natural justice to such an inquiry is not affected by the 42nd amendment. Therefore, supply of copy of the inquiry report alongwith recommendations, if any, in the matter of proposed punishment to the inflicted would be within the rules of natural justice and the delinquent would, therefore, be entitled to the supply of copy thereof. The Forty-Second Amendment has not brought about any change in this position."

10. Again the Hon'ble the Supreme Court has held in 1994 Lab. I. C. 762 :

"When the Inquiry Officer is not the disciplinary authority, the delinquent employee has a right to receive a copy of the Inquiry Officer's report before the disciplinary authority arrives at its conclusions with regard to the guilt or innocence of the employee with regard to the charges levelled against him. That right is a part of the employee's right to defend himself against the charges levelled against him. A denial of the Inquiry Officer's report before the disciplinary authority takes its decision on the charges is a denial of reasonable opportunity to the employee to prove his innocence and is a breach of the principles of natural justice."

11. So as per the record of the enquiry, the report of the enquiry has not been supplied to the petitioner

before he was awarded the punishment of dismissal. This practice has been deprecated by Hon'ble the Supreme Court and has been held to be against the principles of natural justice. So in view of these authorities, I hold that fair chance has not been given to the petitioner to explain his conduct, before he was dismissed from service.

12. Moreover, as per the management, no medical certificate was submitted by the petitioner prior to 30-4-1994 as is alleged by the petitioner. The contention of the petitioner however, is that he had submitted the medical certificate which was deliberately misplaced by the management. So, he had to give photo copy of the same. The authenticity of the medical certificate has however, not been challenged by the management. Medical certificate has been issued by a Government, PHC and the copy is exhibited as Ex. PA. The Medical certificate shows that the petitioner was under treatment for 'tuberculosis' from 10-12-1993 to 30-4-1994. Therefore, the medical certificate provides a justifiable reason for the petitioner to remain away from work. This factor has not been properly appreciated by the Enquiry Officer.

13. I have also gone through the enquiry proceedings *Vis-a-Vis* the objection of the petitioner that the Enquiry Officer has exceeded his powers as Enquiry Officer and has put such questions to the witnesses as if he was representing the management. The cross-examination of some of the witnesses show that the questions put by the Enquiry Officer were not clarificatory in nature. Rather they were leading questions and reflect that the Enquiry Officer did exceed his briefs in this regard. So the perusal of the enquiry proceedings show that the enquiry was not fair and in accordance with the principles of natural justice.

14. Shri J. C. Bhardwaj, AR for the petitioner has relied upon 1993-SC-LLR-584, in which it has been held by Hon'ble the Apex Court that automatic termination of workman remaining absent without leave for 8 days without holding any enquiry or show cause to the petitioner is violative of Principles of natural justice. However, the facts of the present case are not similar to the case relied on by the learned AR. In this case, there is no automatic termination of workman for remaining absent, but enquiry was ordered and conducted in the matter. So in view of this discussion, I hold that the management has not been able to prove that the enquiry conducted by it was in accordance with the principles of natural justice and was fair. Hence, I decide this issue in favour of the petitioner and against the respondent.

15. *Issue No. 2.*—An objection has been raised that the reference is not valid. Reference has been challenged on the ground that it has been made on the basis of one sided version. Secondly that the Labour Commissioner has made this reference, whereas the appropriate government is the Secretary to the State of Himachal Pradesh. Reference has been made by the Labour Commissioner in view of the delegated powers given to him in this regard. Therefore, the reference does not suffer from any such defect. Moreover, regarding the objection of not considering the case of the management, the function of the Appropriate Government is administrative in nature and moment any dispute is raised, the reference can be made by the appropriate government to the Labour Tribunal or the Court as the case may be. So this objection has no merit and this issue is decided against the respondent.

16. *Issue No. 3.*—There is no evidence on record that the petitioner was gainfully employed after his dismissal from service. Though a suggestion has been given that a Khokha of Biddies is being run by the petitioner which he admits, but there is nothing on record to show that he had any substantial income from this Khokha. I, therefore, hold that the petitioner is entitled to full seniority and the back wages to the extent of his pay as he was drawing on the last month of his service before dismissal till the date he joins his duties

or within one month of the publication of the award in the official gazettee, whichever is earlier. Therefore, issue No. 3 is also decided against the respondent.

## RELIEF :

17. Keeping in view the aforesaid findings and discussion, I hold that the dismissal of the petitioner is not in accordance with the principles of natural justice. I order his re-instatement with full seniority and back wages to the extent of 30% of his pay as he was drawing on the last month of his service before dismissal till the date he joins the duties or within one month of the publication of the award whichever is earlier. Let a copy of this award be sent to the appropriate government for its publication.

Announced in the Open Court today this 7th Day of November, 2000.

Seal. ARUNA KAPOOR,  
Presiding Judge,  
H.P. Industrial Tribunal cum-  
Labour Court, Shimla.

## LABOUR AND EMPLOYMENT DEPARTMENT

## NOTIFICATION

Shimla-2, 29th December, 2000

No. 19-8/97-Sharm-II.—In exercise of the powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the publication of awards in the Raj-patra announced by the Presiding Officer, Labour Court of the following cases :

Sl. No.	Ref No.	Section	Remarks
1.	Ref No. 96/94-Shri Ram Murty and 11 other Workmen Vs. M/s Chhabra Tube Ltd. Barotiwala, District Solan.	10	Publication
2.	Ref. No. 41/95-Bhim Singh Vs. M/s Mohan Meakins Breweries Ltd. Kasauli District Solan.		-do-
3.	Ref. No. 126 /2000-Darshan Pal Vs Mgt of M/s Kandhari Beverages Ltd. Baddi. District Solan.		
4.	Ref. No. 77/96-Hem Datt Vs M/s Hotel Gabel, Mashobra, District, Shimla.	10	-do-
5.	Ref. No. 79/96-Pushap Dev Vs M/s Mohan Meakins Breweries Ltd. Solan.	10	-do-

By order,

Fin-Commr-cum-Secretary (Lab&Emp).  
to the Government of Himachal Pradesh.

In the Court of Mrs. Aruna Kapoor, Presiding Judge.  
H. P. Labour Court, Shimla.

Ref. No: 1996 of 1994.  
Instituted on 17-12-1994.  
Decided on 8-11-2000.

Shri Ram Murty and 11 other Workmen .. Petitioners.

Versus

M/s Chhabra Tube Products (Pvt) Limited, Jhar-Majri, Barotiwala, District Solan, Himachal Pradesh.  
Respondent.

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioners : Shri J. C. Bhardwaj. AR

For respondent : Shri V. K. Gupta. AR

## AWARD

This reference has been received from the appropriate government regarding the termination of the services of 12 workmen by the management of M/s Chhabra Tube Products (Pvt.) Limited, Jharmajri, Barotiwala. The claim petition has jointly been filed by the petitioners. It has been alleged that all these petitioners were employed with the respondent, but their services were illegally terminated without compliance of any legal provisions. It is further submitted that demand notices had been served by the Chhabra Tube Products (Pvt.) Limited workers union on 22-3-1991 and was pending before the Labour-cum- Conciliation Officer Solan. During the pendency of these proceedings, the management had resorted to illegal lock-out on 16-5-1991. So the termination order dispensing with the service of petitioner workmen amounts to retrenchment under section 2 (00) of the Act. It is submitted that there is no compliance of section 25-F of the Industrial Disputes Act, 1947 nor there is any enquiry conducted by the management before the termination of the services. Rather the policy of higher and fire has been adopted which is contrary to Article 14 of the Constitution of India. It is submitted that a reference was made to this court which was registered as 77 of 1991 and an award was passed on 30-3-1992 vide which the management was directed to re-instate all the workmen including the petitioners with full back wages and other consequential benefits. Even the union and the management had entered into a settlement on 26-10-1991 vide which the management had agreed to take back all the workmen on duty. However, the management has failed to comply with these directions and again a demand notice was served on 20-10-1994 by the workers individually on the basis of which the present reference has been made by the government. The claim petition refers to the facts of the individual workmen and regarding their dates of termination and appointment. However, in all these cases, it is contended that the termination is illegal without notice, without compliance of section 25-F of the Act and without holding any enquiry and payment of compensation etc.

2. In the reply filed by the respondent, two preliminary objections have been raised. Firstly that the demand notice dated 25-4-1994 is belated and time barred. Secondly that Ram Murty one of the petitioner has already entered into settlement and is gainfully employed elsewhere. So, his signatures on the claim petition are forged.

3. On merits, it is contended as regard Ram Murty, Sukhvinder Kumar, Shri Chand, Gurmukh Singh, Suparson Dass and Harvinder Singh, that these persons committed grave act of misconduct including inciting the co-workers and slowing down the production. These acts of inciting, instigating the workers to slow down the production would have jeopardised the safety and discipline of the factory and members of the staff, so their services were dispensed with. However, they were informed that domestic enquiry will be conducted in the Labour Court during the proceedings. As regards petitioner Ram Kumar, it was contended that he resigned after full & final settlement and has no dispute. As regards Tara Babu, Vikram Parasad and Devinder Pal, it is alleged that they were retrenched from service in accordance with law. As regards Ram Naval and Hari Singh it is contended that a domestic enquiry was held against them and principles of natural



justice were complied with and they were dismissed on the basis of the enquiry conducted against them. It has also been mentioned by the management that the *ex-parte* award passed earlier has been set aside. It is also contended that all the workmen are gainfully employed. Hence that the claim does not survive.

4. On the pleadings of the parties following issues were framed by my Ld. predecessor on 16-10-1995.

1. Whether the termination of services of the petitioners is illegal, un-called for *void-ab-initio* as alleged?

*Opp.*

2. Relief.

### FINDINGS

5. *Issue No. 1.*—All the petitioners have stepped in to witness box in support of their claim. One Ajayab Singh who is the General Secretary of the Chabra Tube Products workers union has also been examined as PW-13. Though all these witnesses have been extensively cross-examined, but despite opportunities, respondent has failed to adduce evidence in the court. Certain documents have been exhibited on their behalf in cross-examination of the petitioners. With regard to petitioner No. 1, 3, 8, 10, 11 and 12 the plea of the respondents is that their presence in the factory was hazardous as they had involved themselves in grave misconduct and had instigated other workmen to slow down the production. So their services were dismissed vide a speaking orders duly communicated to them and that domestic enquiry will be held against them in the Labour Court. Though this contention of the respondent is not strictly against law that enquiry can be held before the Labour Court in case of no enquiry. Yet as has been held in *Fire stone case* reported in 1973 1 LL J 278 that it will be proper to conduct a domestic enquiry before the dismissal of workmen. It is held that it should not be understood as laying down that there is no obligation whatsoever on the part of the employer before passing an order of discharge or dismissal. Rather, in view of the consistent view in the earlier decisions every employer is expected to hold a proper enquiry according to the standing orders or the principles of natural justice. It would be advisable to hold enquiry. In this case in hand no enquiry was held with regard to petitioners 1, 3, 8, 10, 11 and 12 and right was reserved for holding such enquiry before the Court. Yet the respondent did not lead any evidence in the Court and failed to avail the opportunity. Therefore, there being no evidence either in the shape of domestic enquiry or by way of fresh evidence in the Court, the dismissal of these employees/workers cannot be held to be legal and justified. The letters which have been placed on record and are annexure A, B, G, I and K have though been annexed with the reply, but none of the petitioners have admitted that these letters were ever served on them and as I have already mentioned that respondent has not led any evidence to prove the service of these letters on petitioners.

6. The petitioners have also placed the copy of the reference made earlier by the appropriate government in August, 1991 in which the dispute which was referred for adjudication was with regard to the lock-out and with regard to the reinstatement and other benefits to the petitioners. This reference has been answered vide award Ex. PA which is the copy of the publications of the award vide which respondent was directed to reinstate all the workers and the lock-out was held to be illegal and unjustified. The workers were also held entitled to full back wages. This award is dated 30-3-1992. Though the respondent management has mentioned in the reply and has also given suggestion that this award was set-aside, but there is no such order on the file of this court. .... nor any specific date or number of such order has been mentioned by the respondent. Therefore, there is no material before me to hold that this award dated 30-3-1992 stand set-aside or reviewed by any subsequent order.

7. The petitioners have also placed on record one settlement Ex. PC which was allegedly between management and the union of the petitioners vide which it had been agreed that the workers who were present on 16-7-1991 will be reinstated from 23-10-1991 onwards. However as per the petitioners, this settlement was not honoured by the management. The suggestion given by the respondent to the petitioners on the contrary is that these petitioners were not on the rolls of the management on 16-7-1991 which plea appears to be incorrect in view of the award and the settlement which was arrived at between the parties. Therefore, the dismissal of the petitioners mentioned above without holding any enquiry is not sustainable in the eyes of Law. Hence these dismissal orders are nonest and void.

8. Now coming to the contention of the respondent that Ram Kumar Sharma has received his wages in full and has settled the dispute is also not borne out from the record. Shri R. K. Sharma has appeared as PW-12. He has denied that he received any notice or payment of wages or retrenchment compensation. He has denied his signatures or writing on Mark X and Y in this regard. The respondent has not proved any thing in rebuttal and so I hold that since Ram Kumar was in the employment of the respondent from 22-6-89 to 24-7-91 and had worked for more than 240 days as per his own statement on oath which has remained un-rebutted his service could not have been terminated without compliance of section 25 F of the Act. Hence his retrenchment is against Law.

9. As regards Vikram Prasad and Devinder Pal Singh, it has been mentioned by the respondents in the reply that they were retrenched after paying them the retrenchment compensation and serving due notice. Vikram Prasad has appeared in the witness box as PW-5 and Devinder Pal Singh has examined himself as PW-10. Both of them have denied that they were given any notice or retrenchment compensation. In their cross-examination, they have mentioned that it is not correct that they refused to accept the delivery of letter, containing termination letter of services and compensation. There is no evidence led by the respondent to prove that any such notice was served on them and the due amount of compensation for the notice period was genuinely offered. Therefore, this contention of the respondent is not proved on record and I hold that the termination of these two person is not in accordance with the provisions of section 25-H of the act.

10. Lastly now coming to the case of Ram Naval and Hari Singh, Plea of the respondent is that they were dismissed after holding a domestic enquiry against them. It is submitted that both of them participated in the domestic enquiry and were afforded full opportunity. Again Ram Naval has appeared as PW-8 and Hari Singh has appeared as PW-4. Hari Singh has mentioned in the cross-examination that enquiry against him, Ram Naval and Harbans Singh was commenced jointly and he appeared in the enquiry on 12-7-91. Further that 9 witnesses were examined by the management. He appeared as his own witness. He also replied in affirmative to the questions put in the cross-examination that he was not allowed to engage Satnam Singh as his representative.

11. Shri Ram Naval has also mentioned in the cross-examination that he does not know the name of the Enquiry Officer nor he was served with any charge-sheet. He admits his signatures on the domestic enquiry. However, he denies that he was given the copies of the enquiry proceedings or that 9 to 10 witnesses were examined in his presence. He has also denied the suggestion that Harbans Singh cross examined the witnesses of the management on behalf of the delinquent. He also denied that he was served with the enquiry report. No doubt, it appears that some enquiry was held against these two petitioners alongwith on Shri Harbans Singh, but, as per the cross-examination of these two petitioners, it becomes clear that firstly they were not allowed defence assistant of their choice and secondly, the copy of the enquiry proceedings and



the enquiry report was not supplied. Again, it was for the respondent to prove that the enquiry was in accordance with the principles of natural justice and that full opportunity was given to the petitioner to explain their conduct. At the risk of repetition, I may say that no evidence has been led on behalf of the respondent regarding the fairness of enquiry conducted by them and the petitioner have denied that they were supplied documents like enquiry proceedings, enquiry report, or that proper opportunity to cross-examine the witnesses of the management was given to them. Therefore, enquiry if any cannot be held to be proper. Moreover, there is nothing on record to show that on completion of the enquiry, any opportunity was given to these two petitioners to explain their conduct *vis-a-vis* the punishment which was to be awarded against them. So, this enquiry against these two petitioners is vitiated and cannot be held to be proper and legal.

12. In view of the discussions above, I, therefore, hold that the dismissal, and retrenchment of petitioners is not in accordance with law and is not legally sustainable. Therefore, I hold that the termination of the services of the 12 workmen by the management of M/s Chhabra Tube Products (Pvt.) Ltd. is illegal and unjustified and I also hold that they are entitled to re-instatement in service from the date of their alleged termination, dismissal/retrenchment and they are entitled to full wages of this period alongwith seniority and other ancillary benefits as the respondents have failed to prove that the petitioners were gainfully employed during this period. Hence, the point is answered accordingly in favour of the petitioners.

#### RELIEF

13. Keeping in view the aforesaid finding and discussion, I hold that the termination of the services of 12 petitioners is illegal and unjustified and I order their re-instatement with full back wages and full seniority. Let a copy of this award be sent to the appropriate government for its publication in the H. P. Rajpatra in accordance with law.

Announced in the open Court today this 8th Day of November, 2000.

Seal. ARUNA KAPOOR,  
Presiding Judge  
H. P. Industrial Tribunal-cum-Labour  
Court Shimla.

In the Court of Mrs. Aruna Kapoor, Presiding Judge  
H.P. Labour Court, Shimla

Ref. No. : 41 of 1995.

Instituted on : 7-12-1995.

Decided on : 9-11-2000.

Shri Bhim Singh c/o Shri A. K. Sharma, Ahata Rai  
Sahib, Kalka, Haryana. .. Petitioner.

Versus

M/s Mohan Meakins Breweries Ltd., Kasauli, District  
Solani, H.P. .. Respondent.

Reference under Section 10 of the Industrial Disputes  
Act, 1947.

For petitioner : Shri J. C. Bhardwaj, AR.

For respondent : Shri Sudesh Kumar, AR.

#### AWARD :

This reference has been received from the appropriate government regarding the termination of the service of Shri Bhim Singh who was working with M/s Mohan Meakin Breweries Ltd., Kasauli.

2. In the statement of claim filed by the petitioner, it is alleged that he was working as beldar w.e.f. 1-4-1988 and worked continuously till 26-8-1994. However, on 27-8-1994, he was not allowed to join his duties. No notice was served on him nor any charge etc. was proved against him. Hence, he is entitled to re-instatement with full back wages.

3. In the reply to this petition, the management has admitted that petitioner was a casual labourer w.e.f. 1-4-1988, however that on 23-8-1994 while he was on duty in spirit issue room, he stole 375 ml. of spirit from the issue room and had hidden it behind the boiler. He was seen stealing the spirit by Security Supervisor Mr. N. D. Thakuri and he reported the matter to the Engineer's Incharge of the distillery. The petitioner was called to the office of the Engineer Incharge and also the Secretary Labour Union and Security Supervisor were called there and in their presence, the petitioner was asked about the theft. He admitted having committed the theft and brought the bottle of spirit from the place he had hidden it. Manager of the distillery made enquiry and show cause notice was issued to the petitioner on 23-8-1994 he then admitted his guilt *vide* this explanation letter dated 24-8-1994 and sought the forgiveness. It is submitted that since the petitioner had confessed having committed theft and by this act, he had lost the confidence of the respondent and rendered himself unfit for being retained in further employment, so his services were terminated by order dated 27-8-1994. It is further submitted that by committing the theft, the petitioner had rendered himself unfit for being retained in the employment of the respondent as he had lost the confidence of the respondent. Hence that his claim requires to be rejected.

4. Replication was also filed by the petitioner. He denied all these charges being false. He admitted that he was served with letter which was replied by him on 3-9-1994 by registered post. It is denied by him that he ever admitted the charge. He also mentioned that no enquiry was conducted against him. He has further mentioned that no proceedings of enquiry or the enquiry report were supplied to him and therefore, his dismissal is illegal and is liable to be quashed.

5. On the pleadings of the parties, my learned predecessor framed the following issues on 16-3-96:

1. Whether the termination of services of the petitioner w.e.f. 27-8-1994 is illegal, uncalled for and unjustified on the grounds as alleged? .. OPP.

2. Relief.

6. It is apparent from the order sheet that some efforts were made for arriving at a conciliation between the parties, which however were not carried out further and thus the evidence was led by the parties. Petitioner appeared as his own witness whereas, respondent examined five witnesses in rebuttal of the evidence led by the petitioner.

#### FINDINGS :

7. issue No. 1. According to the respondent, petitioner was caught stealing 350 Ml. of spirit from the spirit issue room. He was seen by Mr. N. B. Thakuri who was the Security Supervisor of the respondent company. He made report to the Engineer Incharge, who in turn called the Secretary of the Labour Union and also the petitioner, the petitioner allegedly admitted having committed the theft and also produced the bottle of spirit which he had kept hidden behind the boiler. As per the respondent, enquiry was also conducted and statements of Shri Nar Bahadur Thakuri, Roop Singh and M. L. Gupta were recorded and on the basis of this enquiry letter Ex. RA was served on the petitioner. Petitioner replied to this letter *vide* Ex. RE in which he admitted his guilt and undertook not to repeat this mistake again, but since the petitioner had lost the

that despite clear instructions, petitioner had absented from duty on 25-10-1995. Further that in view of the poor discipline and incompetency, the services of the petitioner is being terminated w.e.f. 1-12-1995 forenoon. Apart from this letter, no other documentary evidence has been placed on record by the respondent regarding the alleged enquiry and charge-sheet. Though one witness Shri Vinay Vinayak, who is the General Manager has been examined, but according to him, the services of the petitioner had been terminated before he (witness) joined the service. He mentions that the papers which are in his possession in the office discloses that some enquiry was initiated against the petitioner. However that record has not been produced by him. He also refers to some cuttings in the attendance registers and mentions that earlier, attendance registers used to remain in the custody of the security guards. He however, admits that there are three security guards, he cannot say who made these cuttings in the relevant register.

6. Respondent took many opportunities to lead further evidence and to place the documents, but failed to avail the opportunity. Therefore, the record which has come on the case file does not prove that any fair and legal enquiry was held into the misconduct of the petitioner regarding his insubordination, indiscipline or inefficiency. Rather document Ex. PA vide which the services of the petitioner were terminated only show that some conversation took place in the office of the Management on 26-10-1995, where he was questioned about his unauthorised absence on 26-10-1995. Thereafter, his services were terminated with one month's notice. Since the action of the management is punitive in nature and had been taken due to alleged inefficiency and indiscipline, it was imperative to hold an enquiry into the misconduct and to give opportunity to the petitioner to explain his conduct. This procedure has not been gone into. Therefore, the dismissal of the petitioner from service is illegal and unjustified. Therefore, I decide this issue against the respondent and in favour of the petitioner.

#### RELIEF

7. Keeping in view the aforesaid findings and discussion, I hold that the termination of the petitioner is illegal and unjustified and I order his re-instatement in service with full seniority and 50% back wages. The reference is answered accordingly. Let a copy of this award be sent to the appropriate government for its publication in the Rajpatra.

Announced in the open Court today this 13th Day of November, 2000.

Seal,

ARUNA KAPOOR,  
Presiding Judge,  
H.P. Industrial Tribunal-cum-  
Labour Court, Shimla.

In the Court of Mrs. Aruna Kapoor, Presiding Judge,  
H. P. Labour Court, Shimla

Ref. No. No. : 79 of 1996.

Instituted on : 3-8-1996.

Decided on : 13-11-2000.

Shri Pushap Dev s/o Sh. Ram Rattan, Village Padag,  
P. O. & Tehsil Solan, H.P. ..Petitioner.

Versus

M/s Mohan Meakin Breweries Limited, Solan  
..Respondent.

Reference under Section 10 of the Industrial  
Disputes Act, 1947.

For petitioner : Shri Hem Raj, AR.  
For respondent : Shri Sudesh Kumar, AR.

#### AWARD :

Reference has been made regarding the termination of the services of the petitioner Pushap Dev (who was working in M/s Mohan Meakin Breweries Ltd. Solan) without any notice, chargesheet, enquiry or without compliance of Section 25-F of the Industrial Disputes Act, 1947. Petitioner alleged that he was a daily waged employee with M/s Mohan Meakin Breweries from 1990 to 25-2-1993. His services were terminated by the management on 20-3-1993 in an arbitrary manner. It is submitted that no notice was served on him nor any retrenchment compensation etc. was given to him. So, he raised an Industrial Dispute and the matter has been referred for adjudication as to whether his termination is legal and valid as per law. It is submitted that in view of these facts, petitioner is entitled to re-instatement in service with full back wages and full seniority.

2. In the reply filed by the respondent, it is admitted that petitioner was a casual labourer from 1990 to 19-3-1993 when he voluntarily left the job by submitting a resignation. It is further contended that thereafter petitioner made an application for settlement of the provident fund on 26-3-1993, which was settled and he received an amount of Rs. 2820/-. Hence, the petitioner himself left the job by tendering resignation letter after accepting the payment due to him, therefore, he was not entitled to any notice and retrenchment compensation. It is submitted that reference is liable to be answered against the petitioner.

3. On the pleadings of the parties, my learned predecessor framed the following issues on 5/1997:—

1. Whether the termination of services of the petitioner is in violation of Section 25-F of the act on the grounds as alleged? OPP.
2. Relief.

#### FINDINGS

4. Issue No. 1: On behalf of the petitioner, he himself has stepped into the witness box and has mentioned that his services were terminated without any notice to him. He was confronted with his resignation letter and the provident fund account papers. He denied having tendered or signed the letter Mark-X, but admitted that he withdrew the provident fund as per Ex. RA as he was short of money.

5. In rebuttal Shri P. K. Datt has proved the resignation letter Ex. R-1 and has mentioned that it was accepted by him. Thereafter, the petitioner also got settled his Provident fund account vide Ex. R-2. Suggestion which has been given to this witness is that the performance of resignation letter and provident fund applications are printed by the company itself. He has also been given suggestion that the resignation letter has not been signed by the petitioner.

6. Shri Romesh Kumar who is Clerk in the respondent company has identified the signatures of the petitioner on the resignation letter. He also alleged that he also compared the signatures with the originals or on the register of recruitments and tallied it from the record of the Provident Fund. He denied the suggestion that the resignation letter was not signed by the petitioner. This witness also exhibited the receipt Ex. RW-2/B vide which the petitioner accepted the payment of his dues.

7. Shri Tara Datt Sharma and Mehar Chand, who are also the employees of respondent company have been examined as RW-3 and 4. They brought the register of payment of wages on which the signatures of the petitioner appear and have stated that his signatures tally with the signatures on these documents. He also mentions that the letter of settlement of account was given by Shri Pushap Dev to him that he signed the resignation letter in the presence of Shri Mehar Chand who is working in the Provident Fund section has

also made a similar statement. He has been given suggestion that Provident Fund advance can be taken during service which he accepts.

nor he is entitled to any re-instatement in job. Even the signatures on Ex. R-1 and Ex. R-2 of Pushap Dev appears to be similar and I have no hesitation to hold that the resignation letter has been signed by the petitioner himself. One authority 1996 LLR 847 has been cited by the petitioner. This authority is however, not applicable to the facts of the present case. This authority only lays down that acceptance of resignation must be in writing and the petitioner can withdraw his resignation before any written acceptance of the same. In this case, however, the resignation letter Ex. R-1 itself has an endorsement that it has been accepted and the knowledge of acceptance of resignation is further proved from Ex. R-2 which has been moved after 7 days of Ex. R-1 in which the petitioner admits that he has left the job and want his provident fund accounts to be settled finally and fully. So, in view of this, the petitioner has failed to establish that the respondent has terminated the services of petitioner illegally. Hence, the point is answered accordingly against the petitioner and in favour of the respondent.

#### RELIEF

9. Keeping in view the aforesaid findings and discussions, the reference is answered in negative with no costs. Let a copy of this award be sent to the appropriate government for its publication in the H.P. Rajpatra.

Announced in the Open Court today this 13th Day of November, 2000.

Seal.

ARUNA KAPOOR.  
Presiding Judge.  
H.P. Industrial Tribunal-cum-  
Labour Court. Shimla.

### भाग-2—वैधानिक नियमों को छोड़कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

कार्यालय महायक पंजीयक सहकारी सभायें कुलू,  
जिला कुलू, हिमाचल प्रदेश

कार्यालय आदेश

कुलू, 30 दिसम्बर, 2000

संख्या कूप 0 के 0 य 0 एण्ड ए 0 9076-81.—चूंकि दो सम्बन्धित सहकारी परिवहन सभा मलाणा, जिला कुलू की पंजीकरण संख्या 593, दिनांक 23-6-93 के अन्तर्गत इस कार्यालय द्वारा पंजीकृत किया गया तथा सभा की पत्र संख्या 5540-43 दिनांक 14-2-2000 की विधटनाधीन लाया गया था;

चूंकि विघटक ने इस सभा को चलाने के लिए बहुत प्रयत्न किए। परन्तु सभा सदस्यों ने इस सभा को चलाने में रुचि नहीं दिखाई। सभा का अवशेष पत्र शून्य हो चुका है। सभा विघटक ने सभा को रद्द करने की सिफारिश की है। उक्त तथ्यों को मध्य नजर रखते हुए मैं, शाम लाल अवस्थी, महायक पंजीयक सहकारी सभायें कुलू, जिला कुलू, हिमाचल प्रदेश सहकारी अधिनियम की धारा 83 (2) के अन्तर्गत प्रदत्त पंजीयक सहकारी सभायें, हिमाचल प्रदेश की शक्तियों का प्रयोग करने हुए उक्त सहकारी सभा के पंजीयन को रद्द करने के आदेश देता हूँ।

हस्ताक्षरित/-

महायक पंजीयक,  
सहकारी सभायें,  
कुलू, जिला कुलू।

कार्यालय अतिरिक्त पंजीयक सहकारी सभायें, हिमाचल प्रदेश  
धर्मशाला

कार्यालय आदेश

धर्मशाला, 16 जनवरी, 2001

संख्या कूप 0 के 0 य 0 एण्ड एस 0-9070-75.—चूंकि दि नरेन्द्रा एण्ड बाबी टुरिजम डिवलपमेंट परिवहन सहकारी सभा सीमिन भून्तर, डाकघर भून्तर, जिला कुलू की पंजीयन संख्या 599 दिनांक 15-12-1993 के अन्तर्गत इस कार्यालय द्वारा पंजीकृत किया गया तथा सभा को पत्र संख्या 2013-15, दिनांक 6-6-2000 को विधटनाधीन लाया गया था।

क्रमांक 7 1212/98 कूप (विघटन).—जैसा कि इस कार्यालय द्वारा जारी आदेश क्रमांक सम. वि 0 13-8-1998 के अन्तर्गत महायक पंजीयक, सहकारी सभायें, हमीरपुर को दी हमीरपुर, जिला सहकारी विपणन एवं उपभोक्ता मंच समित (विधटनाधीन) हमीरपुर का विघटक नियुक्त किया गया था।

जैसा कि सहायक पंजीयक सहकारी सभायें हमीरपुर के कार्यालय पत्र सं० रूप/अर० के०/हमीर०/ 1259 दिनांक 11-12-2000 के अन्तर्गत इस कार्यालय को सूचित किया गया है कि सहायक पंजीयक, सहकारी सभायें, हमीरपुर द्वारा अपनी सेवा निवृत्ति उपरान्त उक्त सभा का कर्तव्य छोड़ दिया है तथा अनुरोध किया गया है कि किसी अन्य अधिकारी/कर्मचारी को उक्त संघ का विवटक नियुक्त किया जावे।

अतः मैं, एस० के० अर्मा, उप पंजीयक, सहकारी सभायें, हिमाचल प्रदेश धर्मशाला, उपरान्त तथ्यों के दृष्टिकोण से अब तक सहायक पंजीयक, सहकारी सभायें, हमीरपुर को नियमित निवृत्ति नहीं होती है तक तक हिमाचल प्रदेश सहकारी सभायें अधिनियम, 1968 का धारा 79 (1) के अन्तर्गत अपने में निहित शक्तियों का प्रयोग करते हुए सहायक पंजीयक, सहकारी सभायें, हमीरपुर के स्थान पर श्री शेर सिंह भाटिया, जि० नि०/जिला के० अधिकारी, सहकारी सभायें, कार्यालय सहायक पंजीयक, सहकारी सभायें, हमीरपुर, को दी हमीरपुर, जिला सहकारी विपणन एवं उपभोक्ता संघ सीमित (विघटनाधीन) हमीरपुर का विवटक नियुक्त करना हूँ।

एस० के० अर्मा,  
उप पंजीयक, सहकारी सभायें,  
धर्मशाला (हि० प्र०)।

#### EXCISE AND TAXATION DEPARTMENT

#### NOTIFICATION

Shimla-1, the 26th December, 2000

No. 12-5/97-EXN-Tax-26564-623.—Whereas it has been reported that the declaration forms 'C' mentioned below as referred to in sub-section (4) of section (8) of the Central Sales Tax Act, 1956 (Act No. 74 of 1956) have been lost in transit from Jalari to Nadaun District Hamirpur.

By order,

Sd/-

Excise and Taxation Commissioner.

Now, therefore, in pursuance of the provisions of sub-rule (9) of rule 6 of the Central Sales Tax (Himachal Pradesh) Rules, 1970 (hereinafter referred to as the said rules), it is hereby notified for general information that the following declaration forms Form 'C' prescribed under the Central Sales Tax (Registration and Turnover) Rules, 1957 which have been lost in transit between Jalari and Nadaun, Distt., Hamirpur (H.P.) are declared invalid/obsolete under sub-rule (10) of rule 6 of the said rules, for the purpose of sub-section (4) of section 8 of the Central Sales Tax, 1956 (Act No. 74 of 1956):—

Sl. No.	Name and address of the dealer.	GST/ CST. No.	Sl. No. of 'C' form issued along-with date of issue	Reasons why the forms are declared as obsolete or invalid.	Date from which the forms are invalid/obsolete
1.	M/s. Kamal Enterprises, Nadaun, Distt. Hamirpur (H. P.).	1282	Q/3. 079536 to Q/3 079550	Lost in transit.	27-3-1997

उद्घान विभाग

कार्यालय आदेश

शिमला-2, 7 सितम्बर, 2000

संख्या एन० आई० सी० 14-17/81-2000 (केन).—हिमाचल प्रदेश फल पौधशाला पंजीकरण अधिनियम, 1973 के निधम 4 (2) के अनुसार यह प्रावधान है कि जिस पंजीकृत फल पौधशाला उत्पादक को अपनी पंजीकृत फल पौधशालाओं का नवीनीकरण करवाना हो उसे लाईसेंस की समाप्ति के 90 दिनों के भीतर-भीतर आवेदन करना आवश्यक है। अतः जबकि इच्छुक प्राधिकारियों को लाईसेंस नवीनीकरण हेतु काफी समय व्यतीत होने पर प्राप्त नहीं हुए हैं। अतएव हिमाचल प्रदेश फल पौधशाला पंजीकरण अधिनियम, 1973 के अधिन धारा 2 (ए) में प्रदत्त शक्तियों का प्रयोग करते हुए उक्त नियम की धारा 5 की उप-धारा 1 (सी) के अन्तर्गत निम्नलिखित लाईसेंस उनके सामने दर्शाई गई त्रिषु से अग्रोहस्ताक्षरी द्वारा तत्काल रद्द किए जाते हैं :—

क्र० सं०	उत्पादक का नाम	लाईसेंस संख्या	लाईसेंस समाप्त होने की तिथि	विकास खण्ड/जिला का नाम
1	2	3	4	5
जिला शिमला				
1.	श्रीमती शक्ति रावत	707	14-6-1996	मशोबरा
2.	श्री मन्गीया राम	1250	31-12-1994	"
3.	श्री भरत सिंह	254	11-10-1994	ठियोग
4.	श्री दलीची राम	1278	31-12-1995	"
5.	श्री जगन राम	914	31-12-1998	जुवल
6.	नेशनल हेरटागियम एगो कैमीकल कोटवाड़ी।	120	8-5-1996	"
7.	श्री उषम लाल त्रिस्टा	971	31-12-1998	"
8.	श्री राजेन्द्र सिंह	1134	31-12-1998	"
9.	श्री संजय चड्ढा	1160	24-9-1994	"
10.	श्री रामा नन्द	1220	18-12-1996	"
11.	श्री अशू राम	1383	7-12-1997	चौपाल
12.	श्री कमला नन्द मुनैन	217	29-5-1994	रामपुर
13.	श्री मदन गोपाल	332	17-3-1994	"

1	2	3	4	5
14.	श्री राम रतन	742	29-9-1994	रामपुर
15.	श्री कालू राम	1014	6-1-1995	"
16.	श्री गंगा राम	1199	31-12-1994	"
17.	श्री सानि सिंह	1201	31-12-1994	"
18.	श्री कुगा सैन	1202	31-12-1994	"
19.	श्री बेला राम	1203	31-12-1994	"
20.	श्री लेख राम	1259	31-12-1994	"
21.	श्री बीजा नन्द	1359	31-12-1997	कुमारसैन
22.	श्री किशोर सरकक	1373	31-12-1998	"
23.	श्री कमल सिंह	888	31-12-1994	रोहडू
24.	श्री ईश्वर शर्मा	967	31-12-1995	"
25.	श्री भगन चन्द	1140	31-12-1995	"
26.	श्री अमीन चन्द जनारटा	1162	31-12-1995	"
27.	श्री ईश्वरी नन्द शर्मा	1188	31-12-1994	"
28.	श्री गुलाब सिंह मछान	1246	31-12-1997	"
29.	श्री कृष्ण कुमार चौहान	1260	31-12-1994	"
30.	श्री हूमा सरन	1261	31-12-1994	"
31.	श्री मदन सिंह	1415	31-12-1998	"
32.	श्रीमती पार्वती देवी	1420	31-12-1998	"
33.	श्री नत्थू राम	730	23-1-1994	चिड़गांव
34.	श्री सरदार सिंह	1081	31-12-1994	"
35.	श्री दुर्गा सिंह	1086	31-12-1994	"
36.	श्री हरबंस सिंह	1145	31-12-1991	"
37.	श्री रोशन लाल मेहता	1191	27-5-1995	"
38.	श्री कर्म सिंह	1193	6-4-1995	"

## जिला मण्डी

39.	श्री पादू राम	336	5-12-1998	सदर
40.	श्री महेंद्र कुमार शर्मा	1329	31-12-1996	"
41.	श्री ठाकुर दास	1288	8-3-1997	"
42.	श्रीमती रोता देवी	1364	31-12-1998	"
43.	श्रीमती रूको देवी	1363	31-12-1996	"
44.	श्री दुर्गा दास	1237	31-8-1995	मुन्दरनगर
45.	श्री खुब राम	1314	31-12-1997	"
46.	श्री खुब राम	739	19-6-1990	"
47.	श्री आलय	1223	31-12-1994	चम्बोट स्थित गोहर
48.	श्री प्रभु दयाल	1307	31-1-1998	धर्मपुर

## जिला कुल्लू

49.	श्री चमारू राम	24	31-7-1995	नगर स्थित कटराई
50.	श्रीमती गंगा देवी	228	13-7-1994	"
51.	श्री पूतू राम	688	31-3-1998	"
52.	श्री योग राज	793	8-5-1994	"
53.	श्री बाल कृष्ण	1002	6-5-1994	"
54.	श्री हरबंस लाल	1235	31-12-1994	"
55.	श्री जीत राम	1263	31-12-1994	"
56.	श्री खुब राम महंत	972	15-7-1997	"
57.	श्री तेज राम	1190	31-12-1997	बंजार
58.	श्री डोलो राम	1137	31-12-1995	"
59.	श्री छलू राम	1153	31-12-1996	कुल्लू
60.	श्री बाल मुकन्द नेगी	1148	31-12-1995	"
61.	श्रीमती शिबो	201	26-3-1997	निरमण्ड
62.	श्री कमलू राम	261	16-9-1994	"
63.	श्री भूपिन्द्र सिंह	890	31-12-1994	"
64.	श्री नूरम चन्द	899	31-12-1996	"
65.	श्री नत्थू राम	984	5-6-1997	"
66.	श्री हरि दास	1194	11-8-1995	"
67.	श्री मंगत राम	1195	10-8-1998	"
68.	श्री तारा चन्द	1243	31-12-1997	"
69.	श्री सत्य प्रकाश	1255	13-10-1996	"
70.	श्री राज कुमार	1344	31-12-1998	"
71.	श्रीमती इन्दा देवी	1370	31-12-1998	"
72.	श्री गंगा राम चन्देल	934	31-12-1995	"
73.	श्री गोपाल दास	1257	13-10-1996	आसी
74.	श्री चरण दास डोगरा	1312	31-3-1996	"

1	2	3	4	5
75.	श्री श्री चन्द	1330	26-11-1998	शानी
76.	श्रीमती कला बती	1332	2-11-1998	"
77.	श्री किशोरी लाल	1339	31-12-1998	"
78.	श्री जीत राम	1340	31-12-1998	"
जिला सोलन				
79.	श्री सुख देव	233	13-7-1994	धर्मपुर
80.	श्रीमती शान्ति सुमन	463	27-6-1995	कुनिहार
81.	श्री पदम चन्द	859	10-11-1998	"
82.	श्री धनी राम	1227	7-4-1996	"
83.	श्री अमरिन्द्र सिंह	1187	16-7-1995	कण्डाघाट
84.	श्री बेली राम	1212	10-12-1995	नालागढ़
जिला किन्नीर				
85.	श्री बलबहादुर सिंह	471	5-10-1998	निवार
86.	श्रीमती देव दासी	582	24-8-1994	"
87.	श्री सनम छारिण	1273	31-12-1995	"
88.	श्री सुपेश नेगी	1275	8-12-1996	"
89.	श्री चिरन्जी लाल	1276	31-12-1995	"
90.	श्री धर्म सिंह	1293	23-3-1997	"
91.	श्रीमती मुष्मा देवी	1300	31-12-1996	"
92.	श्री श्याम सिंह	1349	31-12-1997	"
93.	श्री बन्सी लाल	1365	31-12-1997	"
94.	श्री 0 शासी ब्रदज नसरी	35	20-5-1996	पूह
95.	श्री दुर्गा सिंह	765	31-12-1995	"
96.	श्री तेनजि छाछो	958	31-12-1995	"
97.	श्री भांग तेनजिन	1230	25-3-1996	"
98.	श्री रोशन लाल नेगी	285	22-8-1994	कल्पा
99.	श्री गिरधारी लाल	1123	31-12-1995	"
100.	श्री जालम जोर	1249	3-8-1996	"
101.	श्री भजन सिंह मेहता	1357	31-12-1998	"
जिला बिलासपुर				
102.	श्री मंजय कुमार	637	28-9-1994	सदर
103.	प्रधान ग्राम पंचायत थिरोट	723	24-3-1993	"
104.	श्री स्वतन्त्र नन्द सांख्यान	1254	13-10-1996	"
105.	श्री अमृत लाल	1321	20-7-1998	"
106.	श्री कुलदीप सिंह	595	16-9-1997	"
107.	श्री आर0 आर0 मन्हास	812	30-6-1998	"
जिला चम्बा				
108.	श्री देऊ राम	829	26-10-1995	सलूणी
109.	श्री जगत सिंह	1003	31-12-1996	"
110.	श्री धारू राम	1163	31-12-1995	"
111.	श्री ज्ञान चन्द	1198	30-11-1995	"
112.	श्रीमती चन्द्र कान्ता	800	24-6-1995	चम्बा
113.	श्रीमती रुकी देवी	1197	31-12-1994	"
114.	श्रीमती स्नेहलता	1268	8-12-1996	"
115.	श्री मान सिंह	1272	6-12-1996	"
116.	श्री केशव वर्मा	1279	20-1-1997	"
117.	श्री देविया राम	1286	31-12-1995	"
118.	श्री प्रणालम कुमार	1267	8-12-1996	भरमौर
119.	श्री देव राज	748	4-7-1994	तीसा
120.	श्री किशन राम	1169	21-12-1998	"
121.	श्री नर सिंह	1264	3-11-1996	"
जिला सिरमौर				
122.	श्रीमती हेम लता	1020	28-6-1998	पञ्जाद
123.	श्री वैद प्रकाश गुप्ता	1030	30-7-1992	"
124.	श्री राम स्वल्प	1222	31-12-1994	"
125.	सद निदेशक, 00 क0 उ0 श्रीला कुंआ	240	27-7-1998	पोंडा
126.	श्री कृष्ण स्वल्प	821	9-9-1995	"
127.	श्रीमती रीता देवी	925	30-9-1995	"



1	2	3	4	5
128.	श्री लज्जू राम	976	11-6-1996	पोंटा
129.	श्री तुला राम	1240	15-6-1996	"
130.	श्रीमती विद्या देवी	1189	31-12-1994	मंगडाह
131.	श्री प्यारे लाल सूद	1389	31-12-1997	"
132.	श्री मान सिंह	1231	14-3-1999	जिलाई
133.	श्री रती राम	1256	13-10-1996	"
134.	श्री कन्डी राम	1284	31-12-1995	"
135.	श्री हुकमी राम	1301	22-6-1996	"
136.	श्री रत्न चन्द	1310	31-12-1997	"
137.	श्री सुमेर चन्द	1041	25-10-1994	नाहन

जिला कांगड़ा

138.	श्री करनार सिंह	299	21-8-1995	इन्दौरा
139.	श्री मुरजीत सिंह	724	10-3-1997	"
140.	श्री हंस राज	744	3-2-1994	"
141.	श्री अनूप सिंह	954	31-7-1995	"
142.	श्री जोगिन्द्र सिंह	962	31-8-1996	"
143.	श्रीमती कुसुम सूद	1046	30-6-1995	"
144.	श्री प्रेम प्रकाश	32	31-7-1995	परागपुर
145.	श्री अमर सिंह	165	30-11-1996	जम्बागांव
146.	श्री अजुध्या दास धीमान	834	29-10-1998	"
147.	श्रीमती सन्तोष कुमारी	699	31-3-1998	नूरपुर
148.	श्री रत्न चन्द	752	16-6-1994	"
149.	श्री बलवान सिंह	799	20-3-1998	"
150.	श्री चूनी लाल	1011	31-8-1997	"
151.	श्री मोहिन्द्रा सिंह	1048	30-6-1998	"
152.	श्री मेहर सिंह	948	31-8-1998	"
153.	श्री ध्यान सिंह	1347	31-7-1997	"
154.	श्री चैन सिंह	1341	31-7-1997	"
155.	श्री कर्म सिंह	1371	31-7-1998	"
156.	श्रीमती राम कली	1328	31-12-1996	वैजनाथ
157.	श्री परशोत्तम सिंह	340	13-6-1996	देहरा
158.	श्री अमर सिंह	1324	21-7-1998	"
159.	श्री पंजाब सिंह राणा	1158	25-12-1996	भवारना
160.	श्री हरि चन्द	28	31-7-1995	कांगड़ा
161.	श्री विधि सिंह	1306	31-7-1996	"

जिला हमीरपुर

162.	श्री लक्ष्मण सिंह	1280	31-7-1995	हमीरपुर
163.	श्री प्रभु राम	1129	31-7-1996	मुजानपुर

बी० आर० कौशल,  
सक्षम प्राधिकारी,

हि० प्र० फल पौधशाला पंजीकरण अधिनियम, 1973, नववहार, शिमला-2.

INDUSTRIES DEPARTMENT

NOTICE UNDER SECTION 24

Mandi, the 10th January, 2001

No..... WHEREAS a notice was served on Smt. Kanchan Sharma w/o Shri Mahesh Kumar, H. No. 61/1, Jawahar Nagar, Mandi Town (H.P.) (Prop. Neha Textile) on 23-10-2000 under section 23 of the Himachal Pradesh State Aid to Industries Act, 1971 calling upon said Smt. Kanchan Sharma w/o Shri Mahesh Kumar to pay to me the sum of Rs. 20,000/- + interest extra before 6-11-2000 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 20,000/- + Interest extra is due from said Smt. Kanchan Sharma and that the

property described in the attached schedule is liable for the satisfaction of the said debt.

Two Personal Sureties :

1. Sh. Sudesh Kumar s/o Sh. Devi Chand, H. No. 59/10, Chobata Bazar, Mandi Town, Himachal Pradesh.
2. Shri Hans Raj Malhotra s/o Shri Hem Raj Malhotra, H. No. 64/1, Khalias Mandi Town, Himachal Pradesh.

Sd/-

General Manager,  
Distt. Industries Centre,  
Mandi (H.P.)

**भाग-3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राजपाल, हिमाचल प्रदेश हाई कोर्ट, कार्टेनशिपल कमिशनर तथा कमिशनर ऑफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि**

कामिक विभाग (नि०-11)

9. परिवीक्षा की अवधि, यदि कोई हो।

अधिसूचना

शिमला-2, 4 दिसम्बर, 2000

सब्य। पर (एपो-11) बी (2) 4-75.—हिमाचल प्रदेश के राजपाल, भारत के संविधान के अनुच्छेद 318 के साथ पठित अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, हिमाचल प्रदेश लोक सेवा आयोग में निजी सेवा सहायक, वर्ग-III (अराजपत्रित) के पद के लिए इस अधिसूचना से संगत उपबन्ध "क" के अनुसार भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश लोक सेवा आयोग निजी सहायक, वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 2000 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियाँ.—इस विभाग की अधिसूचना समसंख्यक तारीख 12-8-96 द्वारा अधिसूचित हिमाचल प्रदेश लोक सेवा आयोग, निजी सहायक, वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 1996 का एतद्द्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होने हुए भी उपर्युक्त उप-नियम (1) के अधीन इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति, वात या कार्यवाई इन नियमों के अधीन विधिसाम्य रूप से की गई समझी जाएगी।

आदेश द्वारा,

ए० के० गोस्वामी,  
मुख्य सचिव।

उपबन्ध "क"

हिमाचल प्रदेश लोक सेवा आयोग के कार्यालय में निजी सहायक, वर्ग-III (अराजपत्रित) पद के लिए भर्ती एवं प्रोन्नति नियम

- |   |   |
|---|---|
| 1. पद का नाम  | निजी सहायक  |
| 2. पदों की संख्या   | 4 (चार)   |
| 3. वर्गीकरण   | वर्ग-III (अराजपत्रित)                             |
| 4. वेतनमान  | रूपय 6400-200-7000-220-8100-275-10300-340-10640.  |
| 5. चयन पद अथवा अचयन पद  | अचयन पद   |
| 6. सीधी भर्ती किये जाने वाले व्यक्तियों के लिए आयु।   | लागू नहीं।  |
| 7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षित न्यूनतम शैक्षणिक और अन्य अर्हताएं।                             | लागू नहीं।  |
| 8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए विहित आयु और शैक्षणिक प्रदर्शन प्रोन्नति की दशा में लागू होंगे या नहीं? | आयु : लागू नहीं<br>शैक्षणिक योग्यताएं : लागू नहीं |

दो वर्ष, जिसका एक वर्ष में अधिक ऐसी और अवधि के लिए विस्तार किया जा सकेगा जैसा कि सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दें।

10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पदानों द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता।

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियाँ जिनसे प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण किया जायेगा।

शत-प्रतिशत प्रोन्नति द्वारा, ऐसा न होने पर स्थानान्तरण द्वारा, दोनों के न होने पर प्रतिनियुक्ति द्वारा।

वरिष्ठ वेतनमान आशुलिपिकों में से, जिनका 6(छः) वर्ष का नियमित सेवाकाल, या ग्रेड में (31-3-1998) तक की गई लगातार तदर्थ सेवा को सम्मिलित करके उक्त संयुक्त नियमित सेवाकाल हो, प्रोन्नति द्वारा, ऐसा न होने पर हिमाचल प्रदेश सरकार के अन्य विभागों में इस पद के समान वेतनमान पद पर कार्यरत अभ्यर्थियों में से स्थानान्तरण/प्रति-नियुक्ति द्वारा।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व, सम्भरण पद में 31-3-1998 तक की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिए इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने कुल सेवाकाल (31-3-1998 तक तदर्थ आधार पर की गई तदर्थ सेवा सहित जो नियमित सेवा/नियुक्ति के अनुसरण में हो, को शामिल करके) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहाँ अपने-अपने प्रवर्ग/पद/कांडा में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे।

परन्तु उन सभी पदधारियों को, जिन पर प्रोन्नति के लिए विचार किया जाता है, कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा जो भी कम हो होगी।

परन्तु यह और भी कि जहाँ कोई व्यक्ति पूर्वगामी परन्तुकि की

अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धी विचार के लिए अपात्र हो जाता है, वहां उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा।

**स्पष्टीकरण.**—अन्तिम परन्तुक के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड ग्रामंड फोर्सिज परसोनल (रिजर्वेशन आफ बेकैन्सीज इन हिमाचल स्टेट नान-टैक्नीकल सर्विसिज) रुल्ज, 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो और इसके अन्तर्गत बरीयता लाभ दिये गये हों या जिन एक्स-सर्विसमैन (रिजर्वेशन आफ बेकैन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसिज) रुल्ज, 1985 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत बरीयता लाभ दिए गए हों।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियुक्ति/प्रोन्नति से पूर्व 31-3-1998 तक की गई तदर्थ सेवा यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी यदि तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् और भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु 31-3-1998 तक तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा उसके फल-स्वरूप पारस्परिक बरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो, तो उसकी संरचना।

जैसी कि सरकार द्वारा समय-समय पर गठित की जाए।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जायेगा।

जैसा कि विधि द्वारा अपेक्षित हो।

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षा।

लागू नहीं।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन।

लागू नहीं।

16. आरक्षण

उक्त सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जाति/अनुसूचित जनजातियों/पिछड़े वर्गों/अन्य प्रवर्ग के व्यक्तियों के लिए सेवाओं में आरक्षण की बाबत जारी किए गए अनुदेशों के अधीन होगी।

17. शिथिल करने की शक्ति

जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह कारणों को अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की बाबत शिथिल कर नयेगी।

[Authoritative English text of this Department Notification No. Per (AP-II)B(2)4/75, dated 4-12-2000 as required under clause (3) of Article 348 of the Constitution of India].

## PERSONNEL (AP-II) DEPARTMENT

### NOTIFICATION

Shinla-171 002, the 4th December, 2000

No. Per (AP-II) B(2)-4/75.—In exercise of the powers conferred by proviso to Article 309 read with Article 318 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the Recruitment and Promotion Rules for the post of Personal Assistant, Class-III (Non-Gazetted) in the Himachal Pradesh, Public Service Commission as per Annexure "A" attached to this notification, namely:—

1. *Short title and commencement.*—(1) These Rules may be called the Himachal Pradesh Public Service Commission, Personal Assistant, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2000.

(2) These rules shall come into force from the date of publication in the Himachal Pradesh Rajpatra.

2. *Repeal and Savings.*—(1) The Himachal Pradesh Public Service Commission, Personal Assistant (Non-Gazetted) Class-III Recruitment and Promotion Rules, 1996 notified vide this department notification No. Per (AP-II)B(2) 4/75 dated 12-8-1996 are hereby repealed.

(2) Notwithstanding such repeal any appointment made or anything done or any action taken under the Rules so repealed under sub-rule (1) *supra* shall be deemed to have been validly made or done or taken under these rules.

By order,

A. K. GOSWAMI,  
Chief Secretary.

ANNEXURE "A"

### RECRUITMENT AND PROMOTION RULES FOR THE POST OF PERSONAL ASSISTANT (NON-GAZETTED) CLASS-III IN THE OFFICE OF HIMACHAL PRADESH PUBLIC SERVICE COMMISSION

- |  |  |
|--|--|
| 1. Name of the post                              | Personal Assistant                                 |
| 2. Number of posts                               | 4 (Four)   |
| 3. Classification                                | Class-III (Non-Gazetted)                           |
| 4. Scale of pay                                  | Rs. 6400-200-7000-220-8100<br>275-10300-340-10640. |
| 5. Whether selection post or non-selection post. | Non-selection                                      |
| 6. Age for direct recruitment.                   | Not applicable                                     |

7. Minimum educational and other qualifications required for direct recruits.	(a) <i>Essential qualification</i> : Not applicable (b) <i>Desirable qualifications</i> : Not applicable	promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less:
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	<i>Age</i> : Not applicable <i>Educational qualifications</i> : Not applicable	Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.
9. Period of probation, if any.	Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be recorded in writing.	
10. Method of recruitment— whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods.	100% by promotion failing which by transfer and failing both by deputation.	<i>Explanation.</i> —The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.
11. In case of recruitment by promotion, deputation, transfer, grades from which promotion/ deputation/transfer is to be made.	By promotion from amongst the Senior Scale Stenographer with 6 years regular service or regular combined with continuous <i>ad hoc</i> (rendered upto 31-3-1998) service in the grade, failing which by transfer/deputation from amongst the incumbents of this post working in the identical pay scale from other H. P. Government Departments.  (1) In all cases of promotion, the continuous <i>ad hoc</i> service rendered in the feeder post upto 31-3-1998, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the <i>ad hoc</i> appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of Recruitment and Promotion Rules, provided that in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on <i>ad hoc</i> basis upto 31-3-1998, followed by regular service/appointment), in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:  Provided that all incumbents to be considered for	(2) Similarly, in all cases of confirmation continuous <i>ad hoc</i> service rendered on the feeder post upto 31-3-1998, if any, prior to the regular appointment against such post shall be taken into account towards the length of service, if the <i>ad hoc</i> appointment/promotion against such post had been made after proper selection and in accordance with the provision of the R & P Rules :  Provided that <i>inter se</i> seniority as a result of confirmation after taking into account, <i>ad hoc</i> service rendered upto 31-3-1998 as referred to above shall remain unchanged.
	12. If a Departmental Promotion Committee exists, what is its composition.	As may be constituted by the Government from time to time.
	13. Circumstances under which the H.P.S.C. is to be consulted in making recruitment.	As required under the law
	14. Essential requirement for a direct recruitment.	Not applicable
	15. Selection for appointment to the post by direct recruitment.	Not applicable
	16. Reservation	The appointment/promotion to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other

Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time.

परन्तु उन सभी पदधारियों की जिन पर प्रोन्नति के लिये विचार किया जाना है, की कम से कम तीन वर्ष की न्यूनतम ग्रहता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा जो भी कम हो, होगी :

#### 17. Power to relax

Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H. P. Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons or posts.

परन्तु यह और भी कि जहाँ कोई व्यक्ति पूर्वगामी परन्तु की अपेक्षाओं के कारण प्रोन्नति किए जाने के विचार के लिये अपात्र हो जाता है, वहाँ उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिये अपात्र समझा जायेगा।

**स्पष्टीकरण.**—अन्तिम परन्तु के अन्तर्गत कनिष्ठ पदधारियों प्रोन्नति के लिए अपात्र नहीं समझा जाएगा, यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिमोबिलाइज्ड आर्म्ड फोर्सिज परसेनेस (रिजर्वेशन ग्राफ वेकेंसीज इन हिमाचल स्टेट नॉन-टैक्निकल सर्विसिज) रुलज, 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो या जिसे ऐकस सर्विसमें (रिजर्वेशन ग्राफ वेकेंसीज इन द हिमाचल प्रदेश टैक्निकल सर्विसिज) रुलज, 1985 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो व इसके अन्तर्गत वरीयता लाभ दिए गए हों।

#### सहकारिता विभाग

#### अधिसूचना

शिमला 171002, 4 दिसम्बर, 2000

संख्या कोप 0 ए(3)-6/95.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, अधिसूचना संख्या कोप 0 ए(3)-6/95 तारीख 12-5-1997 द्वारा अधिसूचित, हिमाचल प्रदेश सहकारिता विभाग, वरिष्ठ सहायक वर्ग-III (अराजपत्रित) लिपिकीय सेवाएं के पद के भर्ती एवं प्रोन्नति नियम, 1997 में संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश सहकारिता विभाग वरिष्ठ सहायक वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति (प्रथम संशोधन) नियम, 2000 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किये जाने की तारीख से प्रवृत्त होंगे।

2. उपाबन्ध “अ” का संशोधन.—हिमाचल प्रदेश सहकारिता विभाग वरिष्ठ सहायक वर्ग-III (अराजपत्रित) भर्ती एवं प्रोन्नति नियम, 1997 के उपाबन्ध “अ” में:—

(क) स्तम्भ संख्या-4 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात्:—

“5800-200-7000-220-8100-275-9200 रूप्यं”

(ख) स्तम्भ संख्या 11 के सामने विद्यमान उपबन्धों के स्थान पर निम्नलिखित प्रतिस्थापित किए जाएंगे, अर्थात्:—

कनिष्ठ सहायकों में से, जिनका 5 वर्ष का नियमित सेवाकाल या ग्रेड में (31-3-1998) तक की गई लगातार तदर्थ सेवा को सम्मिलित करके उक्त संयुक्त नियमित सेवाकाल हो, प्रोन्नति द्वारा।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में 31-3-1998 तक की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में यथावहित सेवाकाल के लिये इस शर्त के अधीन रहते हुए गणना में ली जाएगी कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाने के पश्चात् की गई थी। परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने कुल सेवाकाल (31-3-98 तक तदर्थ ग्राधार पर की गई तदर्थ सेवा सहित जो नियमित सेवा नियुक्ति के अनुमरण में हो, की शामिल करके) के आधार पर उक्त नियुक्ति निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहाँ अपने-अपने प्रवर्ग/पद/कांडर में उसमें वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जायेंगे और विचार करते समय कनिष्ठ व्यक्ति ने ऊपर उक्त आयेंगे :

(2) इसी प्रकार स्पष्टीकरण के सभी मामलों में ऐसे पद पर नियुक्ति/प्रोन्नति से पूर्व 31-3-1998 तक की गई तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, यदि तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् और भर्ती और प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु 31-3-1998 तक की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् आ स्पष्टीकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अंतरावर्तिन रहेंगे।

आदेश द्वारा,

हस्ताक्षरित/-  
वित्तायुक्त एवं सचिव।

[Authoritative English text of this Department Notification No. Co-op. A(3)-6/95, dated 4-12-2000 as required under clause (3) of Article 348 of the Constitution of India].

#### CO-OPERATION DEPARTMENT

#### NOTIFICATION

Shimla-171 002, the 4th December, 2000

No. Co-op. A(3)-6/95.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to amend the Himachal Pradesh Co-operative Department, Senior Assistant, Class-III (Non-Gazetted), Ministerial Services Recruitment and Promotion Rules, 1997, notified vide this department notification No. Co-op. A (3)-6/95, dated 12-5-1997, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh, Co-operative Department, Senior Assistant, Class-III (Non-Gazetted) Ministerial Services Recruitment and Promotion (First Amendment) Rules, 2000.

(2) These Rules shall come into force from the date of its publication in the Rajpatra, Himachal Pradesh.

2. *Amendment in Annexure “A”.*—In Annexure “A” to the Himachal Pradesh Co-operative Department, Senior Assistant, Class-III (Non-Gazetted), Ministerial Services, Recruitment and Promotion Rules, 1997:—

(a) For the existing provisions against Column No. 4, the following shall be substituted, namely:—

“Rs. 5800-200-7000-20-8100-275-9200.”

(b) For the existing provisions against Column No. 11, the following shall be substituted, namely:—

"By promotion from amongst the Junior Assistants with 5 years regular service or regular combined with continuous *ad hoc* (rendered upto 31-3-1998) service, in the grade."

(1) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post upto 31-3-1998, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of selection in accordance with the provisions of Recruitment and Promotion Rules, provided that :

(i) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1998, followed by regular service/appointment) in the feeder post in view of the provision referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration.

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or as prescribed in the Recruitment and Promotion Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

**Explanation.**—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rules 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, continuous *ad hoc* service rendered in the feeder post upto 31-3-1998, if any, prior to the regular appointment against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provision of the recruitment and promotion Rules:

Provided that *inter se* Seniority as a result of confirmation after taking into account, *ad hoc* service rendered upto 31-3-1998 shall remain unchanged.

By order,

RAVI DHINGRA,  
F. C.-cum-Secretary.

वन विभाग

ग्रहसूचना

जिम्मा-2, 5 दिसम्बर, 2000

संख्या एक/एफओईओ-ए (वी) 2-9/98.—हिमाचल प्रदेश के राज्यपाल, भारत के मंत्रिपरिषद् 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से इस अधिसूचना से संलग्न उपावन्ध "क" के अनुसार हिमाचल प्रदेश वन विभाग में फोटोग्राफर एवं आर्टिस्ट, वर्ग-III (अराजपत्रित) के पदों के भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात्:—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश वन विभाग, फोटोग्राफर एवं आर्टिस्ट, वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2000 है।

(2) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

आदेश द्वारा,

हस्ताक्षरित/-  
वित्तायुक्त एवं सचिव।

उपावन्ध "क"

वन विभाग, हिमाचल प्रदेश में फोटोग्राफर एवं आर्टिस्ट, अराजपत्रित, श्रेणी तृतीय के पदों के लिए भर्ती एवं प्रोन्नति नियम

- |   |   |
|---|---|
| 1. पद का नाम  | फोटोग्राफर एवं आर्टिस्ट   |
| 2. पदों की संख्या   | 1 (एक)  |
| 3. वर्गीकरण   | श्रेणी तृतीय (अराजपत्रित)<br>(नैर लिपिक वर्गीय सेवाएं)  |
| 4. वेतनमान  | रु 4400-150-5000-160-<br>5800-200-7000.   |
| 5. चयन पद अथवा अचयन पद  | अचयन  |
| 6. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये आयु।   | लागू नहीं   |
| 7. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये अपेक्षित न्यूनतम शैक्षणिक और अन्य अर्हताएँ।  | लागू नहीं   |
| 8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये विहित आयु और शैक्षणिक अर्हताएँ प्रोन्नति की दशा में लागू होंगी या नहीं ?                                   | आयु : लागू नहीं<br>शैक्षणिक अर्हताएँ : लागू नहीं  |
| 9. परीक्षा की अवधि, यदि कोई हो।   | दो वर्ष, जिसका एक वर्ष से अधिक और ऐसी अवधि के लिए विस्तार किया जा सकेगा जैसा सक्षम प्राधिकारी विशेष परिस्थितियों में और लिखित कारणों से आदेश दें। |
| 10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता। | शन-प्रतिशत पद्धति द्वारा  |
| 11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियाँ, जिनसे प्रोन्नति, प्रतिनियुक्ति, स्थानान्तरण किया जाएगा।                                 | डाक रूम सहायकों में से जिनका दस वर्ष का नियमित सेवा या 31-3-1998 तक निरन्तर मिश्रित तदर्थ सेवा है, प्रोन्नति द्वारा।                              |

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में 31-3-1998 तक की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में यथाविहित सेवा-काल के लिये, निम्नलिखित शर्तों के अधीन रहते हुए गणना में ली जाएगी।

उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण



पद में अपने कुल सेवाकाल (31-3-98 तक की गई तदर्थ सेवा को शामिल करके, के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किये जाने का पात्र हो जाता है, वहाँ उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जाएंगे और विचार करते समय कनिष्ठ व्यक्ति से ऊपर रखे जाएंगे :

परन्तु उन सभी पदाधिकारियों की जिन पर प्रोन्नति के लिए विचार किया जाना है, की कम से कम तीन वर्ष की न्यूनतम अहता सेवा या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा जो भी कम हो, होगी :

परन्तु यह और भी कि जहाँ कोई व्यक्ति पूर्वगामी परन्तु की अपेक्षाओं के कारण प्रोन्नति किए जाने सम्बन्धित विचार के लिए अपात्र हो जाता है, वहाँ उससे कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा ।

**स्पष्टीकरण.**—अन्तिम परन्तु के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा । यदि वरिष्ठ अपात्र व्यक्ति भूत-पूर्व सैनिक है जिसे डिमोबिलाईज्ड आर्मेड फोर्स परसोनल (रिजर्वेशन आफ बेकैन्सीज इन हिमाचल स्टेट नान टैक्नीकल सर्विसिज) क्लज, 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो तथा इसके अन्तर्गत वरीयता लाभ दिए गए हों या जिसे एक्स सर्विसमैन (रिजर्वेशन आफ बेकैन्सीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसिज) क्लज, 1985 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो व इसके अन्तर्गत वरीयता लाभ दिए गए हों ।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियमित नियुक्ति से पूर्व 31-3-1998 तक की गई तदर्थ सेवा, यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी, वशत यह नियुक्ति भर्ती एवं प्रोन्नति नियमों के अनुसार की गई थी :

परन्तु 31-3-1998 तक तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी ।

12. यदि विभागोय प्रोन्नति समिति विद्यमान हो, तो उसकी संरचना ।

जैसा कि सरकार द्वारा समय-समय पर गठित की जाए ।

13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जाएगा ।

14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये अपेक्षा ।

15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन ।

16. आरक्षण

17. शिथिल करने की शक्ति

जैसा कि विधि द्वारा अपेक्षित हो ।

लाभ नहीं

लाभ नहीं

इस सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/पिछड़े वर्गों और प्रवर्ग के व्यक्तियों के लिये सेवाओं में आरक्षण के वावन जारी किए गए अनुदेशों के अधीन होगी ।

जहाँ राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहाँ यह कारणों की अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से आदेश द्वारा इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों की वावत शिथिल कर सकेगी ।

[Authoritative English text of this department notification No. FFE-A (B)2-9/98, dated 5-12-2000 as required under clause (3) of Article 348 of the Constitution of India].

## FOREST DEPARTMENT

### NOTIFICATION

Shimla-2, the 5th December, 2000

No. FFE-A (B) 2-9/98.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh is pleased to make the Recruitment and Promotion Rules for the post of Photographer-cum-Artist, Class-III (Non-Gazetted) in the Department of Forest, Himachal Pradesh as per Annexure-A attached to this notification namely:—

1. *Short title and commencement*—(1) These rules shall be called the Himachal Pradesh Forest Department Photographer-cum-Artist, Class-III (Non-Gazetted) Recruitment and Promotion Rules, 2000.

(2) These rules shall come into force from the date of their publication in Himachal Pradesh Rajpatra.

By order,

S/-  
F. C.-cum-Secretary.

ANNEXURE "A"

### RECRUITMENT AND PROMOTION RULES FOR THE POST OF PHOTOGRAPHER-CUM-ARTIST CLASS-III (NON-GAZETTED) IN THE DEPARTMENT OF FOREST, HIMACHAL PRADESH

1. Name of the post Photographer-cum-Artist
2. Number of posts 01 (One)

3. Classification	Class-III (Non-Gazetted) (Non Ministerial Services)
4. Scale of pay	Rs. 4400-150-5000-160- 5800-200-7000.
5. Whether selection post or non-selection post.	Non-Selection
6. Age for direct recruitment.	Not applicable
7. Minimum educational and other qualifications required for direct recruits.	Not applicable
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees.	Age: N.A. Educational Qualifications: N.A.
9. Period of probation, if any.	Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. Method of recruitment whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods.	100% by promotion
11. In case of recruitment by promotion, deputation, transfer, grade from which promotion/deputation/transfer is to be made.	By promotion from amongst the Dark Room Assistants having ten years regular service or regular combined with continuous <i>ad hoc</i> (rendered upto 31-3-1998) service, if any, in grade.

(1) In all cases of promotion, the continuous *ad hoc* service rendered in the feeder post upto 31-3-1998, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition that the *ad hoc* appointment/promotion in the feeder category had been made after following proper acceptable process of Selection in accordance with the provisions of Recruitment and Promotion Rules, provided that:—

(i) In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1998) followed by regular service/appointment in the feeder

post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least 3 years or that prescribed in the R & P Rules for the post, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

*Explanation.*—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of Ex-Servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly, in all cases of confirmation, *ad hoc* service rendered on the feeder post upto 31-3-1998, if any, prior to the regular appointment against such post shall be taken into account towards the length of service, if the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provisions of the R & P Rules :

Provided that the *inter se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered upto 31-3-1998, as referred to above shall remain unchanged.

12. If a Departmental Promotion Committee exists, what is its composition?	As constituted by the Government from time to time.	2. Number of posts	1 (One)
13. Circumstances under which the H.P.S.C. is to be consulted in making recruitment.	As required under the law.	3. Classification	Class-IV (Non-Gazetted)
14. Essential requirement for a direct recruitment.	Not applicable	4. Scale of pay	Rs. 2520-100-3220-110-3660. 120-4140-(with initial start of Rs. 2620).
15. Selection for appointment to post by direct recruitment.	Not applicable	5. Whether selection post or non-selection post.	Not applicable
16. Reservation	The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/ Scheduled Tribes / Other Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time.	6. Age for direct recruitment.	Between 18 years and 38 years:  Provided that the upper age limit for direct recruits will not be applicable to the candidates already in service of the Government including those who have been appointed on <i>ad hoc</i> or on contract basis:  Provided further that if a candidate appointed on <i>ad hoc</i> basis had become overage on the date when he was appointed as such he shall not be eligible for any relaxation in the prescribed age limit by virtue of his such <i>ad hoc</i> or contract appointment :
17. Powers to relax	Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the H.P.S.C., relax any of the provisions of these rules with respect to any class or category of persons or posts.		Provided further that upper age limit is relaxable for Scheduled Castes/ Scheduled Tribes/Other categories of persons to the extent permissible under the general or special order(s) of the Himachal Pradesh Government :

#### GENERAL ADMINISTRATION HOSPITALITY AND PROTOCOL DEPARTMENT

##### NOTIFICATION

Shimla-171 002, the 8th December, 2000

**No. Hosp. A (1)-10/99-1546.**—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh is pleased to make the Recruitment and Promotion Rules for the post of Peon, Class-IV (Non-Gazetted) in the Department of Hospitality & Protocol, Himachal Pradesh as per Annexure-'A' attached to this notification, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Hospitality and Protocol Department, Peon Class-IV (Non-Gazetted) Recruitment and Promotion Rules, 2000.

(2) These rules shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Rules.*—The number of post (s) classification, pay scale, qualification and method of recruitment etc. for the post of Peon, Class-IV (Non-Gazetted) in the Hospitality and Protocol Department shall be as specified in Annexure-I to this notification.

By order,

Sd/-

Commissioner-cum-Secretary.

ANNEXURE "A"

#### RECRUITMENT AND PROMOTION RULES FOR THE POST OF PEON, CLASS-IV (NON-GAZETTED) IN THE HOSPITALITY AND PROTOCOL DEPARTMENT HIMACHAL PRADESH,

1. Name of the post Peon

Provided further that the employees of all the Public Sector Corporations and Autonomous Bodies who happened to be Government servants before absorption in Public Sector Corporations/ Autonomous Bodies shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however be admissible to such staff of the Public Sector Corporations/Autonomous Bodies who were/are subsequently appointed by such Corporations/Autonomous Bodies after initial constitution of the Public Sector Corporations/Autonomous Bodies.

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the post(s) is /are advertised for inviting applications or notified to the Employment Exchanges as the case may be.

(2) Age and experience in the case of direct recruitment relaxable at the discretion of the Recruiting Authority in case the candidate is otherwise well qualified.

7. Minimum educational and other qualifications required for direct recruits. (a) *Essential qualification* : Should be Middle pass or its equivalent from a recognised Board of School Education/Institution. (b) *Desirable qualification* : Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. Not Applicable
9. Period of probation, if any. Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.
10. Method of recruitment—whether by direct recruitment or by promotion, deputation, transfer and the percentage of vacancies to be filled in by various methods. 100% by direct recruitment failing which by deputation/Transfer.
11. In case of recruitment by promotion / deputation/transfer, grade from which promotion/deputation / transfer is to be made. By deputation/transfer from amongst the incumbents in the identical pay scale of this post from other Himachal Pradesh Government Departments'.
12. If a Departmental Promotion Committee exists, what is its composition. Not Applicable
13. Circumstances under which the H.P.P.S.C. is to be consulted in making recruitment. Not Applicable
14. Essential requirement for a direct recruitment. A candidate for appointment to any service or post must be:—  
(a) a citizen of India, or  
(b) a subject of Nepal, or  
(c) a subject of Bhutan, or  
(d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India.  
(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries of Kenya, Uganda, the United Republic of Tanzania (Formerly Tanganyika and Zanzibar) Zambia, Malwa, Zaire and
- Ethiopia with the intention of permanently settling in India :  
Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India,  
A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by appointing authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India.
15. Selection for appointment to post by direct recruitment. Selection for appointment to the post in the case of direct recruitment shall be made on the basis of *viva voce* test, if the recruiting authority, as the case may be so consider necessary or expedient by a written test or practical test, the standard/syllabus etc. of which will be determined by the Commission/Other recruiting authority as the case may be.
16. Reservation. The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time.
17. Powers to relax. Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons or posts.

श्रम विभाग

अधिसूचनाएं

शिमला-171001, 15 दिसम्बर, 2000

संख्या 11-5/99 (लेब) आई० डी०-भाग-III.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Rakesh Kumar and (1) Executive Officer, Nagar Parishad, Dalhousie, District Chamba, Himachal Pradesh, (2) Sanitary Inspector, Nagar Parishad Dalhousie, District Chamba (H.P.) के सद्य नीचे दिये गए विषय पर औद्योगिक विवाद है।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रस्तुत की गई

रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 5 दिसम्बर, 2000

प्रति: हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-अम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किये गये विषय पर अधिनियम देने के लिए भेजा जाता है :—

"Whether the termination of services of Shri Rakesh Kumar, Ex Safai Karmchhari (Daily Wages) w. e. f. 8-3-98 by (1) Executive Officer, Nagar Parishad Dalhousie, District Chamba, (H. P.) and (2) Sanitary Inspector, Nagar Parishad Dalhousie, District Chamba (H.P.) without any notice, chargesheet, enquiry and without compliance of section 25 (F) of Industrial Disputes Act, 1947, on the grounds of alleged abandonment of duties and negligence besides retaining junior persons in service, as alleged, is legal and justified. If not, to what relief of consequential service benefits including re-instatement, seniority, back wages and amount of compensation, Shri Rakesh Kumar is entitled?"

शिमला-1, 8 जनवरी, 2001

संख्या 11-2/93 (नैव) आई 0 डी 0 भाग.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Bir Singh, Ex-worker and the Management of M/s Asia Resorts Ltd., Timber Trail Resort, Parwanoo, District Solan (H. P.) के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है;

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12 (4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा 12 की उप-धारा (5) के अधीन विचार करने के पश्चात् अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनियम के लिए भेजने योग्य है।

प्रति: हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या 19-8/89-अम (लूज), दिनांक 7 सितम्बर, 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप-धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा इस मामले को उक्त अधिनियम की धारा 7 के अधीन गठित श्रम न्यायालय/औद्योगिक अधिकरण, हिमाचल प्रदेश को नीचे व्याख्या किये गये विषय पर अधिनियम देने के लिए भेजा जाता है :—

"Whether the termination of services of Shri Bir Singh, Ex-worker by the management of M/s Asia Resorts Ltd., Timber Trail Resorts, Parwanoo, District Solan (H. P.) w. e. f. 7-11-99 after a prolonged spell of service of six years on the grounds of alleged abandonment, without any notice, chargesheet, enquiry and without compliance of section 25 (F) of the Industrial Disputes Act, 1947, is legal and justified. If not, to what relief of consequential service benefits including reinstatement, seniority, back wages, legal dues, if any, and amount of compensation, Shri Bir Singh is entitled?"

हस्ताक्षरित/-  
अध्यायक।

संख्या पी 0 डी 0 डब्ल्यू-ए-बी (13) 22/94.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तु द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से हिमाचल प्रदेश लोक निर्माण विभाग में कनिष्ठ प्रारूपकार, वर्ग-III (अराजपत्रित) के पद के लिए इस अधिसूचना में संलग्न उपावय "क" के अनुसार भर्ती एवं प्रोन्नति नियम बनाते हैं, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ.—(i) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश लोक निर्माण विभाग, कनिष्ठ प्रारूपकार, वर्ग-III (अराजपत्रित) भर्ती और प्रोन्नति नियम, 2000 है।

(ii) ये नियम राजपत्र, हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2. निरसन और व्यावृत्तियाँ.—(1) अधिसूचना संख्या पी 0 डब्ल्यू ई 0-147/67-11-4887, तारीख 18-1-1961 द्वारा अधिसूचित, दी रैकटिफ़ेड एण्ड प्रमोशन रूल इन रिस्पेक्ट ऑफ दी एच 0 पी 0 डी 0 डब्ल्यू 0 डी 0 सर्वोडिनेट सर्विस क्लास-III इन्फर्मेन्ट एण्ड ट्रेनर सर्विस रूल, 1961 का एतद्वारा निरसन किया जाता है जहाँ तक कि ये ट्रेनर (अब जे 0 डी 0 एम 0) का श्रेणी से सम्बन्धित है।

(2) ऐसे निरसन के होते हुए भी उपरोक्त उप-नियम 2(1) के अधीन इस प्रकार निरसित नियमों के अधीन की गई कोई नियुक्ति या बत या कार्रवाई इन नियमों के अधीन विधिमार्ग रूप में की गई समझी जाएगी।

आदेश द्वारा,

एस 0 के 0 सुद,  
आयुक्त एवं सचिव।

उपावय "क"

हिमाचल प्रदेश लोक निर्माण विभाग में कनिष्ठ प्रारूपकार (अराजपत्रित वर्ग-III) के पद के लिए भर्ती एवं प्रोन्नति नियम

1. पद का नाम	कनिष्ठ प्रारूपकार
2. पदों की संख्या	258 (दो सौ अठानव)
3. वर्गीकरण	वर्ग-III (अराजपत्रित)
4. वेतनमान (विस्तृत रूप से संक्षिप्त करें)	रुपये 4020-120-4260-140- 4400-150-5000-160- 5800-200-6200.
5. चयन पद अथवा अचयन पद।	अचयन
6. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये आयु।	18 से 38 वर्ष:

परन्तु सीधी भर्ती के लिये उपरोक्त आयु सीमा तदर्थ या संविदा पर नियुक्त किए गए पहले से सरकार की सेवा में नियुक्त व्यक्तियों/अभ्यर्थियों को लागू नहीं होगी।

परन्तु यह और कि यदि तदर्थ आधार पर नियुक्त किया गया अभ्यर्थी इस रूप में नियुक्ति की तारीख को अधिक आयु का हो गया हो, तो वह तदर्थ या संविदा के आधार पर नियुक्ति के कारण

विहित आयु में छूट के लिए पात्र नहीं होगा :

परन्तु यह और कि अनुसूचित जातियों/अनुसूचित जनजातियों तथा अन्य वर्गों के व्यक्तियों के लिये उच्चतम आयु सीमा में उल्लेखनी छूट दी जा सकेगी जितनी कि हिमाचल प्रदेश सरकार के साधारण या विशेष आदेशों के अधीन अनुज्ञेय है :

परन्तु यह और भी कि पब्लिक सैक्टर नियमों तथा स्वायत्त निकायों के सभी कर्मचारियों को, जो ऐसे पब्लिक सैक्टर नियमों तथा स्वायत्त निकायों के प्रारम्भिक गठन के समय ऐसे पब्लिक सैक्टर नियमों/स्वायत्त निकायों में शामिलन से पूर्व सरकारी कर्मचारी थे, सीधी भर्ती में आयु सीमा में ऐसी ही रियायत दी जाएगी जैसे सरकारी कर्मचारियों को अनुज्ञेय है किन्तु इस प्रकार की रियायत पब्लिक सैक्टर नियमों तथा स्वायत्त निकायों के ऐसे कर्मचारीवृन्द को नहीं दी जाएगी जो पश्चात्पूर्व ऐसे नियमों/स्वायत्त निकायों द्वारा नियुक्त किये गए थे/किये गये हैं और उन पब्लिक सैक्टर नियमों/स्वायत्त निकायों के प्रारम्भिक गठन के पश्चात् ऐसे नियमों/स्वायत्त निकायों की सेवा में अन्तिम रूप में शामिल किये गये हैं/किए गये थे ।

(1) सीधी भर्ती के लिए आयु सीमा की गणना, उस वर्ष के प्रथम दिवस से की जाएगी जिसमें कि पद(पदों) को यथास्थिति आवेदन आमन्त्रित करने के लिए विज्ञापित या नियोजनालयों को अधिसूचित किया जाना है ।

(2) अन्यथा सुअर्हित अभ्यर्थियों की दशा में सीधी भर्ती के लिए आयु सीमा और अनुभव आयु के विवेकानुसार शिथिल की जा सकेगी ।

सीधी/बैच अनुसार भर्ती किए जाने वाले व्यक्तियों के लिये अपेक्षित न्यूनतम शैक्षणिक और अन्य अर्हताएँ ।

(क) अनिवार्य योग्यताएँ :

(1) किसी मान्यता प्राप्त बोर्ड/विश्वविद्यालय से दसवीं/हायर सैकेंडरी भाग-1 या इसके समतुल्य हो ।

(2) ड्राफ्टमैनशिप ट्रेड में किसी मान्यता प्राप्त पॉलिटेक्निक संस्थान/श्रीलोकिक प्रशिक्षण संस्थान या केन्द्र/राज्य सरकार द्वारा सम्मकरूप से मान्यता प्राप्त किसी संस्थान से कम से कम 2 वर्ष का डिप्लोमा होया इसके समतुल्य ।

(ख) वांछनीय अर्हताएँ :

हिमाचल प्रदेश की रूढ़ियों, रीतियों और बोलियों का ज्ञान और प्रदेश में विद्यमान विशिष्ट दशाग्रों में नियुक्ति के लिये उपयुक्तता ।

8. सीधी भर्ती किए जाने वाले व्यक्तियों के लिये आयु और शैक्षणिक अर्हताएँ प्रोन्नति दशा में लागू होंगी या नहीं?

9. परिवीक्षा की अवधि, यदि कोई हो ।

10. भर्ती की पद्धति—भर्ती सीधी होगी या प्रोन्नति या प्रतिनियुक्ति या स्थानान्तरण द्वारा और विभिन्न पद्धतियों द्वारा भरी जाने वाली रिक्तियों की प्रतिशतता ।

11. प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण की दशा में श्रेणियों जिनसे प्रोन्नति, प्रतिनियुक्ति या स्थानान्तरण किया जायेगा ।

आयु : लागू नहीं शैक्षिक अर्हताएँ : हाँ, जैसी नीचे दिए गए स्तम्भ 11 में विहित है ।

दो वर्ष, जिसका एक वर्ष से अनधिक ऐसी और अवधि के लिये विस्तार किया जा सकेगा जैसा कि सक्षम प्राधिकारी विशिष्ट परिस्थितियों में और लिखित कारणों से आदेश दे ।

(क) सम्बन्धित भर्ती एजेंसी के माध्यम से 45% सीधी भर्ती द्वारा ।

(ख) 5% प्रोन्नति द्वारा, ऐसा न होने पर सम्बन्धित भर्ती एजेंसी के माध्यम से सीधी भर्ती द्वारा, और

(ग) 50% सीधी भर्ती द्वारा विभागीय स्तर पर बैच-बाईज आधार पर ।

प्लान प्रिंटिंग मशीन अप्रेटरों में से जो उपर्युक्त स्तम्भ संख्या 7 में दर्शायी गई शैक्षणिक अर्हताएं रखते हैं और जिनके पास 5 वर्ष का नियमित सेवाकाल या ग्रेड में 31-3-1998 तक की गई लगातार तदर्थ सेवा, यदि कोई हो, को सम्मिलित करके उपर्युक्त नियमित सेवाकाल हो, प्रोन्नति द्वारा ।

(1) प्रोन्नति के सभी मामलों में पद पर नियमित नियुक्ति से पूर्व सम्भरण पद में 31-3-1998 तक की गई निरन्तर तदर्थ सेवा, यदि कोई हो, प्रोन्नति के लिये इन नियमों में यथाविहित सेवाकाल के लिए, इस शर्त के अधीन रहते हुए गणना में ली जाएगी, कि सम्भरण प्रवर्ग में तदर्थ नियुक्ति/प्रोन्नति भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार चयन की उचित स्वीकार्य प्रक्रिया को अपनाते के पश्चात् की गई थी :

परन्तु यह कि उन सभी मामलों में जिनमें कोई कनिष्ठ व्यक्ति सम्भरण पद में अपने तदर्थ सेवाकाल (31-3-1998 तक तदर्थ आधार पर की गई तदर्थ सेवा सहित जो नियमित सेवा/नियुक्ति के अनुसरण में हो, को शामिल करके) के आधार पर उपर्युक्त निर्दिष्ट उपबन्धों के कारण विचार किए जाने का पात्र हो जाता है, वहां अपने-अपने प्रवर्ग/पद/कांडर में उससे वरिष्ठ सभी व्यक्ति विचार किए जाने के पात्र समझे जायेंगे और निवार करने समय कनिष्ठ व्यक्ति से ऊपर रखे जायेंगे :

परन्तु उन सभी पदधारियों की, जिन पर प्रोन्नति के लिए विचार किया जाना है, की कम से कम तीन वर्ष की न्यूनतम अर्हता सेवा



या पद के भर्ती एवं प्रोन्नति नियमों में विहित सेवा, जो भी कम हो, होगा :

परन्तु यह और भी कि जहां कोई व्यक्ति पूर्वगामी परन्तु की अपेक्षाओं के कारण प्रान्ति किए जाने के विचार के लिए अपात्र हो जाता है, वहां उसमें कनिष्ठ व्यक्ति भी ऐसी प्रोन्नति के विचार के लिए अपात्र समझा जाएगा।

**स्पष्टीकरण.—**प्रतिम परन्तु के अन्तर्गत कनिष्ठ पदधारी प्रोन्नति के लिए अपात्र नहीं समझा जाएगा यदि वरिष्ठ अपात्र व्यक्ति भूतपूर्व सैनिक है जिसे डिप्टी-विमाइज्ड ग्रामेट फोर्गिज परमोनल (रिजर्वेशन आफ वेकेंसीज इन दी हिमाचल स्टेट नान टैक्नीकल सर्विसिज) रूलज, 1972 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो या जिसे एक्स सर्विसमें (रिजर्वेशन आफ वेकेंसीज इन दी हिमाचल प्रदेश टैक्नीकल सर्विसिज) रूलज, 1985 के नियम 3 के प्रावधानों के अन्तर्गत भर्ती किया गया हो व इसके अन्तर्गत वरीयता लाभ दिये गये हों।

(2) इसी प्रकार स्थायीकरण के सभी मामलों में ऐसे पद पर नियुक्ति/प्रोन्नति से पूर्व 31-3-1998 तक की गई तदर्थ सेवा यदि कोई हो, सेवाकाल के लिए गणना में ली जाएगी यदि ऐसे पद पर तदर्थ नियुक्ति/प्रोन्नति उचित चयन के पश्चात् भर्ती एवं प्रोन्नति नियमों के उपबन्धों के अनुसार की गई थी :

परन्तु 31-3-98 तक की गई उपर्युक्त निर्दिष्ट तदर्थ सेवा को गणना में लेने के पश्चात् जो स्थायीकरण होगा उसके फलस्वरूप पारस्परिक वरीयता अपरिवर्तित रहेगी।

12. यदि विभागीय प्रोन्नति समिति विद्यमान हो तो उसकी संरचना ? जैसा कि सरकार द्वारा समय-समय पर गठित की जाए।
13. भर्ती करने में जिन परिस्थितियों में हिमाचल प्रदेश लोक सेवा आयोग से परामर्श किया जायेगा। जैसा कि विधि द्वारा अपेक्षित हो।
14. सीधी भर्ती किए जाने वाले व्यक्तियों के लिए अपेक्षा। किसी सेवा या पद पर नियुक्ति के लिए अभ्यर्थी को भारत का नागरिक होना आवश्यक है।
15. सीधी भर्ती द्वारा पद पर नियुक्ति के लिए चयन। सीधी भर्ती के मामले में, पद पर नियुक्ति के लिए चयन मौखिक परीक्षा के आधार पर किया जाएगा। यदि, यथास्थिति, हिमाचल प्रदेश लोक सेवा आयोग या

अन्य भर्ती प्राधिकरण ऐसा करना आवश्यक या समीचीन समझे, तो लिखित परीक्षा या व्यवहारिक परीक्षा के आधार पर किया जाएगा। जिसका पाठ्यक्रम, यथास्थिति आयोग/अन्य भर्ती प्राधिकरण द्वारा निर्धारित किया जाएगा।

#### 16. आरक्षण

उक्त सेवा में नियुक्ति, हिमाचल प्रदेश सरकार द्वारा समय-समय पर अनुसूचित जातियों/अनुसूचित जनजातियों/विछुड़े वर्गों और अन्य प्रवर्ग के व्यक्तियों के लिए सेवा में आरक्षण की व्यवस्था जारी किए गए अनुदेशों के अधीन होगी।

#### 17. शिथिल करने की शक्ति

जहां राज्य सरकार की यह राय हो कि ऐसा करना आवश्यक या समीचीन है, वहां वह कारणों को अभिलिखित करके और हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से, आदेश द्वारा, इन नियमों के किन्हीं उपबन्धों को किसी वर्ग या व्यक्तियों के प्रवर्ग या पदों का वादन शिथिल कर सकेगा।

[Authoritative English text of this Government Notification No. PBW-A-B(13) 22/94, dated 5-12-2000 as required under clause (3) of Article 348 of the Constitution of India].

### PUBLIC WORKS DEPARTMENT

#### NOTIFICATION

Shimla-2, the 5th December, 2000

No. PBW-A-B(13)-22/94.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with Himachal Pradesh Public Service Commission is pleased to make the Recruitment and Promotion Rules for the post of Junior Draughtsman, Class-III (Non-Gazetted) in the Department of Public Works, Himachal Pradesh as per Annexure "A" attached to this notification, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Public Works Department Junior Draughtsman (Class-III Non-Gazetted) Recruitment and Promotion Rules, 2000.

(2) These rules shall come into force from the date of its publication in the Rajpatra, Himachal Pradesh.

2. *Repeal and savings.*—(1) The Recruitment, and Promotion Rules in respect of H.P. P.W.D. subordinate Services, Class-III Draughtsman and Tracer service Notified vide Notification No. PWE-147/67-II-4887, dated 18-1-1961 and as amended from time to time are hereby repealed to the extent as it relates to the category of Tracer (now Junior Draughtsman).

(2) Notwithstanding such repeal, any appointment made or anything done or any action taken under the relevant rule so repealed under sub-rule (i) *supra* shall be deemed to have been validly made, done or taken under these rules.

By order,

S. K. SOOD,  
Financial Commissioner-cum-Secretary.

**RECRUITMENT AND PROMOTION RULES FOR  
THE POST OF JUNIOR DRAUGHTSMAN (NON-  
GAZETTED) CLASS-III IN THE DEPARTMENT  
OF PUBLIC WORKS, HIMACHAL PRADESH**

- 7. Minimum educational and other qualifications required for direct/batchwise recruits.**

(1) Age limit for direct recruitment will be reckoned on the first day of the year in which the posts is/are advertised for inviting applications or notified to the Employment Exchanges or as the case may be.

(2) Age and experience in the case of direct recruitment, relaxable at the discretion of the Himachal Pradesh Public Service Commission in case of candidate is otherwise well qualified.

(a) *Essential qualifications :*  
(i) Matric/Higher Secondary Part-I or its equivalent from a recognised Board/University.

(ii) At least two years certificate course in the trade of Draughtsmanship or its equivalent from a Polytechnic institute/an III or an Institute duly recognised by the Central/State Government.

- (b) *Desirable qualifications :*

- Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Himachal Pradesh.**

- Age :** Not applicable.

- Qualification** : Yes, as prescribed in column No. 11 below.

- Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and reasons to be recorded in writing.

- (a) 45% by direct recruitment through the concerned recruiting agency.
- (b) 05% by promotion failing which by direct recruitment through the concerned recruiting agency, and

- (c) 50 % direct recruitment on batch-wise basis at Departmental level.

- By promotion from amongst the Plan Printing Machine Operators subject to fulfilling the Education 31 qualifications prescribed in column No. 7 above with five years regular service or regular combined with continuous *ad hoc* (rendered upto 31-3-1998) service, if any, in the grade.

- (1) In all cases of promotion, the continuous *ad hoc*

service rendered in the feeder post up to 31-3-1998, if any, prior to regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the conditions that the *ad hoc* appointment/promotion in the feeder category had been made after going proper acceptable process of selection in accordance with provisions of the Recruitment and Promotion Rules, provided that:

That in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including the service rendered on *ad hoc* basis upto 31-3-1998 followed by regular service/appointment) in the feeder post in view of the provisions referred to above, all persons senior to him in the respective category/post/cadre shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration :

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least 3 years or that prescribed in the Recruitment and Promotion Rules for the post, whichever is less :

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

**Explanation.**—The last proviso shall not render the junior incumbents ineligible for consideration for promotion if the senior ineligible persons happened to be Ex-servicemen recruited under the provisions of Rule 3 of Demobilised Armed Forces Personnel (Reservation of Vacancies in Himachal State Non-Technical Services) Rules, 1972 and having been given the benefit of seniority thereunder or recruited under the provisions of Rule 3 of Ex-servicemen (Reservation of Vacancies in the Himachal Pradesh Technical Services) Rules, 1985 and having been given the benefit of seniority thereunder.

(2) Similarly in all cases of confirmation continuous *ad hoc* service rendered on the feeder post upto 31-3-1998, if any, prior to the regular appointment/promotion shall be taken into account towards the length of service. If the *ad hoc* appointment/promotion had been made after proper selection and in accordance with the provision of the R. & P. Rules.

Provided that *inter se* seniority as a result of confirmation after taking into account, *ad hoc* service rendered upto 31-3-1998 as referred to above shall remain unchanged.

- |  |   |
|--|---|
| 12. If a Departmental Promotion Committee exists, what is its composition.           | As may be constituted by the Government from time to time.  |
| 13. Circumstances under which the H.P.S.C. is to be consulted in making recruitment. | As required under the Law.  |
| 14. Essential requirement for a direct recruitment.                                  | A candidate for appointment to any service or post must be a citizen of India.  |
| 15. Selection for appointment to post by direct recruitment.                         | Selection for appointment to the post in the case of direct recruitment shall be made on the basis of <i>viva voce</i> test if the Himachal Pradesh Public Service Commission or other Recruiting Authority as the case may be, so considered necessary or expedient by a written test, or practical test, the standard/syllabus, etc. of which will be determined by the Commission/other Recruiting Authority as the case may be. |
| 16. Reservation  | The appointment to the service shall be subject to orders regarding reservation in the service for Scheduled Castes/Scheduled Tribes/Other Backward Classes/Other Categories of persons issued by the Himachal Pradesh Government from time to time.  |
| 17. Power to relax   | Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons or post.   |

**भाग-4—स्थानीय स्वायत्त शासन, म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाऊन एरिया तथा पंचायती राज विभाग**

-शून्य-

**भाग-5—व्यक्तिक अधिसूचनाएं और विज्ञापन**

ब अदालत श्रीमती राखिल काहलों, उप-मण्डल दण्डाधिकारी घुमारवीं,  
जिला विलासपुर, हिमाचल प्रदेश

श्री बालक राम पुत्र श्री गिलू राम, गांव व डाकखाना गेहड़वीं,  
तहसील झण्डूता, जिला विलासपुर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थनापत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री बालक राम पुत्र श्री गिलू, गांव व डा0 गेहड़वीं, तहसील  
झण्डूता, जिला विलासपुर (हि0 प्र0) ने इस अदालत में शपथ-  
पत्र सहित मुकद्दमा दाखल किया है कि उसकी बहन प्रेम लता की  
मृत्यु दिनांक 20-11-1984 को हुई है लेकिन उसकी मृत्यु तिथि  
ग्राम पंचायत के रिकार्ड में दर्ज नहीं हुई है।

अतः ग्राम जनता को बजरिया इस्तहार राजपत्र द्वारा सूचित  
किया जाता है कि उपरोक्त पंजीकरण वारा किसी को कोई  
उजर व एतराज हो तो वह दिनांक 13-2-2001 को अदालत या  
बकालतन डम अदालत में प्रातः 10.00 बजे हाजिर आवें तथा  
अपना उजर पेश करें अन्यथा दीगर कार्यवाही अमल में लाई  
जायेगी।

आज दिनांक 5-1-2001 को मेरे हस्ताक्षर व मोहर अदालत से  
जारी हुआ।

मोहर।

राखिल काहलों,

उप-मण्डलधिकारी घुमारवीं,  
जिला विलासपुर (हि0 प्र0)।

ब अदालत जनाब पी0 आर0 वर्मा, तहसीलदार एवं कार्यकारी  
दण्डाधिकारी मुजानपुर, जिला हमीरपुर (हि0 प्र0)

श्री प्रकाश चन्द पुत्र स्वर्गीय श्री लच्छमणदास वासी बाई  
नं0 3 मुजानपुर, डाकखाना मुजानपुर-टीहरा, तहसील मुजानपुर,  
जिला हमीरपुर (हि0 प्र0) .. प्रार्थीपक्ष।

बनाम

ग्राम जनता

प्रार्थना पत्र जेर भाग 13 (3) जन्म एवं मृत्यु पंजीकरण  
अधिनियम, 1969.

नोटिस बनाम ग्राम जनता।

श्री प्रकाश चन्द पुत्र स्वर्गीय श्री लच्छमण दास पुत्र भण्डारीनाथ  
बाई नं0 3 मुजानपुर डाकघर मुजानपुर, तहसील मुजानपुर, जिला  
हमीरपुर, हिमाचल प्रदेश ने डम अदालत में शपथ-पत्र सहित  
प्रार्थना-पत्र दाखल किया है कि उसके पिता लच्छमण दास की मृत्यु  
तिथि 8-10-1984 को मुकाम मुजानपुर जिला हमीरपुर हिमाचल  
प्रदेश में हुई थी। लेकिन नोटिफाइड एरिया कमेटी में उसके पिता  
श्री लच्छमण दास की मृत्यु तिथि पंजीकृत न है अतः सचिव  
नोटिफाइड एरिया कमेटी को इसे पंजीकृत किए जाने के आदेश  
दिए जावें।

अतः डम नोटिस के द्वारा सम्मन जनता को तथा सम्बन्धित  
रिश्तेदारों को सूचित किया जाता है कि यदि किसी व्यक्ति को

उपरोक्त मुक्त लच्छमण दास पुत्र भण्डारीनाथ की मृत्यु तिथि  
पंजीकरण पर कोई एतराज हो तो वह इस अदालत में दिनांक  
15-2-2001 को अदालत या बकालतन हाजिर हो कर अपना  
एतराज पेश कर सकता है अन्यथा मृत्यु-पत्र जन्म तिथि  
पंजीकृत किए जाने वारे आदेश पारित कर दिए जायेंगे।

आज दिनांक 4-1-2001 को मेरे हस्ताक्षर व मोहर अदालत  
से जारी हुआ।

मोहर।

पी0 आर0 वर्मा,  
कार्यकारी दण्डाधिकारी,  
मुजानपुर, जिला हमीरपुर (हि0 प्र0)।

ब अदालत जनाब सहायक समाहर्ता प्रथम श्रेणी-बड़ोह  
जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा नं0 5/99

तारीख पेशी 16-2-2001

विषय : तकसीम भूमि खातानं0 21 खतौनी नं0 21 कित्ता 4 रक्बा  
तादादी 2-61-09 है0 वाक्या महाल चकवन कन्डी मोजा कन्डी, तहसील  
बड़ोह, जिला कांगड़ा।

भगत राम

बनाम

कौशलदा देवी आदि।

नोटिस बनाम प्रतिवादी गण

1. राज कुमार, 2. धर्म पाल पुत्र श्रीधर, 3. पीता देवी विधवा  
श्रीधर, 4. सन्त राम पुत्र तंगल, 5. दुलो राम पुत्र आशा राम, 6. शम्भू  
राम पुत्र जगत राम निवासी सन्दू तह0 बड़ोह, 7. श्रीमती सुदर्शना  
देवी पति सख देवी निवासी साही मोजा थाना तह0 बड़ोह, 8. सृष्मा  
देवी विधवा कुलदीप चन्द निवासी सन्दू तह0 बड़ोह, जिला कांगड़ा।

जैसा कि उक्त मामला तकसीम भूमि इस अदालत में  
विचाराधीन है। उक्त प्रतिवादीगण को अदालत से बार-बार समनात  
जारी किये गये परन्तु उनकी तामील आसान तरीके से होना नहीं  
पाई जाती है। अतः उपरोक्त समस्त प्रतिवादियों को इस  
नोटिस राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि  
इस अदालत द्वारा निर्धारित तिथि पेशी दिनांक 16-2-2001 को  
समय प्रातः 10 बजे अदालतन/बकालतन हाजर आकर मुकद्दमा  
को पेश करें। अन्यथा कार्यवाही हस्त जावता अमल में लाई  
जावेगी।

आज दिनांक 9-1-2001 को मेरे हस्ताक्षर व मोहर अदालत  
द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/-  
सहायक समाहर्ता प्रथम श्रेणी,  
बड़ोह, जिला कांगड़ा (हि0 प्र0)।

ब अदालत/कार्यालय एच0 एस0 बेदी उप-पंजीकाध्यक्ष इन्दौरा,  
जिला कांगड़ा, हिमाचल प्रदेश

उनवान मुकद्दमा

तारीख पेशी 14-2-2001

जसपाल सिंह पुत्र परमिन्दर सिंह वासी इन्दौरा, जिला कांगड़ा  
हिमाचल प्रदेश।

बनाम

ग्राम जनता

विषय : दरूबास्त वगैर पंजीकृत करवाने मुस्तयारनामा ग्राम तस्दीक  
शुद्धा नोटरीपब्लिक बैन्कवरबी0 सी0 कनाड़ा 30-10-2000  
जेर धारा 60 मुनाबिक पंजीकरण अधिनियम।

श्री जमपाल सिंह पुत्र परमिन्दर सिंह वासी इन्दौरा नैकमून प्रति गुलतयारनामा ग्राम मुखपाल सिंह पुत्र परमिन्दर सिंह हान वासी 1598 वेस्ट अबेन्गु वेन्कवर वी0 सी0 कनाडा बनाम जसपाल सिंह पुत्र परमिन्दर सिंह वासी इन्दौरा जो कि 30-10-2000 को नोटरी पब्लिक सूट 201-5128 विक्टोरिया डी0आर0 वेन्कवर कनाडा द्वारा तस्दीक शुद्ध है वर्राये पंजीकृत करने प्रस्तुत की है।

ए ग्राम जनता को बजरिया इस्तहार राजपत्र द्वारा सूचित किया जाता है कि उपरोक्त पंजीकरण वारे ग्राम किसी को कोई उजर व एतराज है तो वह निर्धारित दिनांक 14-2-2001 को असालतन या बकालतन बरबन 10 वजे अधोहस्ताक्षरी के समक्ष प्रस्तुत होकर पेश करें। अन्यथा मुखतयारनामा पंजीकृत करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 15-1-2001 को मेरे हस्ताक्षर व मोहर द्वारा जारी किया गया।

मोहर।

एच0 एम0 वेदी,  
उप-पंजीकाध्यक्ष इन्दौरा,  
जिला कांगड़ा (हि0 प्र0)।

व अदालत श्रीमती सुषमा वत्स, सहायक समाहर्ता प्रथम श्रेणी, जसवां कोटला, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा नं0	उत्तवान मुकद्दमा	तिथि दायरा
38/24	तकसीम	1-8-2000
	अपली नारोख पेगी	

16-2-2001

श्री हंस राज पुत्र सीदागर, वासी महान भवोट, नहमील जसवां कोटला, जिला कांगड़ा, हिमाचल प्रदेश ...प्रार्थी।

वनाम

1. सर्व श्री धर्म सिंह, 2. चतुर सिंह पुत्रान उधम सिंह, 3. अर्जुन सिंह पुत्र प्रताप, 4. मनो राम पुत्र विशम्भर सिंह, 5. रोगनी देवी विधवा मैला राम, समस्त वासीगण महाल भवोट, तहसील जसवां कोटला प्रत्यार्थीगण।

विषय—मुकद्दमा भूमि तकसीम खाता नं0 35, खतोना नं0 40, खसरा फिता 33, रकवा तादादी 3-03-33 हेक्टेयर, वाक्य महाल भवोट, तहसील जसवां, जिला कांगड़ा, हिमाचल प्रदेश।

उपरोक्त मुकद्दमा में प्रतिवादीगण नं0 3 अर्जुन सिंह को बार-बार समन जारी करने के उपरान्त भी समन को तामोज नहीं हो रही है। अतः उपरोक्त प्रतिवादी को बजरिया राजपत्र इस्तहार द्वारा सूचित किया जाता है कि उक्त मुकद्दमा के सम्बन्ध में किसी भी प्रकार का उजर या एतराज हो तो वह दिनांक 16-2-2001 को असालतन या बकालतन अपना उजर व एतराज पेश कर सकता है अन्यथा एक तरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 22-12-2000 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

सुषमा वत्स,  
सहायक समाहर्ता प्रथम श्रेणी,  
जसवां कोटला, जिला कांगड़ा,  
हिमाचल प्रदेश।

व अदालत कार्यकारी दण्डाधिकारी इन्दौरा, जिला कांगड़ा हिमाचल प्रदेश

श्री जोगिन्द्र सिंह पुत्र धुडिया राम उर्फ शंकर, सिंह वासी मुरडवां, तहसील इन्दौरा, जिला कांगड़ा (हि0 प्र0)।

वनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री जोगिन्द्र सिंह ने इस अदालत हजा में प्रार्थना-पत्र दिया है कि उसकी धर्म पत्नी श्रीमती स्वर्णा देवी ने दिनांक 11-10-1994 को उनके लड़के अमित कुमार को गांव मुरडवां तहसील इन्दौरा में जन्म दिया था कानूनी अज्ञानतावश अमित कुमार का नाम जन्म एवं मृत्यु रजिस्टर में पंजीकृत न करवाया जा सका है।

अतः इस इस्तहार राजपत्र हिमाचल प्रदेश द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि उक्त जन्म तिथि पंजीकरण वारे किसी को कोई एतराज हो तो वह दिनांक 14-2-2001 को बरबन 10 वजे असालतन या बकालतन अधोहस्ताक्षरी के सम्मुख प्रस्तुत करें। निर्धारित अवधि के भीतर आपत्ति प्राप्त न होने की सूचना में जोगिन्द्र सिंह को प्रार्थना-पत्र के आधार पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक .....को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/-  
कार्यकारी दण्डाधिकारी,  
इन्दौरा, जिला कांगड़ा (हि0 प्र0)।

व अदालत जगदीश पराशर, सहायक समाहर्ता द्वितीय श्रेणी शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा—तकसीम तारीख पेगी—14-2-2001

जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील शाहपुर।

वनाम

1. गुजरी देवी विधवा, 2. सोनू पुत्र प्यारे लाल निवासी धात्री, डाकखाना राजौल, 3. सुग्ग कुमार पुत्र, 4. जोगिन्द्रा देवी पुत्री पोग्गो 5. होजियार सिंह पुत्र लक्ष्मण, 6. बलदेव सिंह, 7. धीर सिंह 8. राम सिंह पुत्रान, 9. श्रीमती मेवा देवी विधवा मृगं: राम गांव व डाकखाना लदवाड़ा, तहसील शाहपुर।

प्रार्थना-पत्र वाकन तकसीम भूमि खाता नं0 40, खतोना नं0 84, 85, 86 खमरा नं0 384, 386, 385. फिता-3, रकवा तादादी 0-25-00 हेक्टेयर वाकन महाल डयाहू, मौजा लदवाड़ा, तहसील शाहपुर।

प्रार्थी जट पुत्र लक्ष्मण, निवासी लदवाड़ा, तहसील शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने एक प्रार्थना-पत्र वाकन तकसीम एस न्यायालय में दायर किया है कि इस भूमि का सांझा होने के कारण अपना खाता अलग कायम करवाना चाहता है। इस काम में प्रतिवादीगण को बार-बार समन जारी हो चुके हैं परन्तु साधारण ढंग से तामील न हो सकी। अतः उक्त प्रतिवादीगण को इस इस्तहार द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001 को इस न्यायालय में प्रातः 10.00 वजे असालतन व बकालतन हाजिर आ कर मुकद्दमा की परीक्षा करें अन्यथा उनके खिलाफ एक तरफा कार्यवाही अमल में लाई जायेगी।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मांहर अदालत से जारी हुआ।

मोहर।

जगदीश पराशर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री जगदीश पराशर, सहायक समाहर्ता द्वितीय श्रेणी, शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

मु0 नं0	तारीख दायरा	तारीख पेगी :
2/97/शाहपुर.	5-5-97	14-2-2001.

1. खारा राम, 2. सुरजन सिंह, 3. बहादुर, 4. अर्जुन पुत्रान, 5. श्रीमती देई पुत्री खजाना, 6. श्री अमरो पुत्र चूहड़ू, 7. दोलत राम, 8. रान्धा राम पुत्र, 9. श्रीमती पाली देवी रोगन पुत्र खजाना,

निवासी बनाना, तहसील शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश  
प्रार्थीगण ।

बनाम

1. बूटा राम नरदयाल, 2. राम दिप्ता पुत्र बूटा राम, 3. मुकौड़ देवी, 4. विलो देवी पुत्रियां बोरवल पुत्र चूड़, 5. खरुदी पुत्र, 6. श्रीमती कालत्र, 7. श्रीमती रूकी पुत्री बंगाली, निवासी वासा, मौजा भनाला, तहसील शाहपुर, 8. मेहरो बेवा बंगाली व जौहलो, 10. नानकू, 11. धनी राम पुत्रगण, 12. श्रीमती मुन्दा पुत्री मीनी, निवासी गांव वासा, मौजा भनाला, तहसील शाहपुर, 13. जेनू, 14. बसाखा पुत्रगण रोणकी, 15. कान्हा देवी, 16. सत्तोप पुत्रियां, 17. मशा देवी, निवासी वासी, मौजा भनाला प्रत्यर्थीगण ।

प्रार्थना-पत्र भूमि तहसील खाता नं० 48, खतौनी नं० 103, ता 105, खमरा नं० 71, 76, 80 ता 89/1, 90, 91, 60, 63, 68, 74, 81, 82, 83, 86, 92, 61, 62, 64, 65, 66, 67, 70, 72, 75, 78, 84, 85, 87, 89, 94 कित्ता रकबा ता० 4-47-81 हैक्टेयर, बाक्या मुहल बासा, मौजा भनाला, तहसील शाहपुर, जमावर्दी 1992-93.

प्रार्थीगण ने एक प्रार्थना-पत्र बावन तकसीम इस न्यायालय में दायर किया है कि इस भूमि का सांझा होने के कारण अपना खाता अलग कायम करवाना चाहता है । इस केस में प्रतिवादीगण को बार-बार समन जारी हो चुके हैं परन्तु साधारण ढंग से तामील न हो सकी । अतः उक्त प्रतिवादीगण को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001 को इस न्यायालय में प्रातः 10.00 बजे असालतन व वकालतन हाजिर आकर मुकद्दमे की पैरवी करें अन्यथा उनके खिलाफ एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जगदीश पराशर,  
सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा,  
हिमाचल प्रदेश ।

व अदालत श्री जगदीश पराशर, सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मु० : तकसीम तारीख पेशी : 14-2-2001.

जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील शाहपुर,  
जिला कांगड़ा ।

बनाम

1. करतार चन्द, 2. स्वरूप सिंह पुत्रगण मोल्, 3. गोरख, 4. मुनी लाल, 5. दुर्गा राम पुत्र, 6. श्रीमती गीता, 7. अजध्या देवी पुत्री दीवाना, 8. प्रताप चन्द पुत्र भगत प्रत्यर्थीगण नं० 10. विन्दू मृतक के वारसान, (I) रमेश चन्द, (II) उत्तम चन्द, (III) भगवान शम पुत्र, (IV) कमलेश कुमारो विधवा बिटू राम आदि प्रत्यर्थीगण नं० (10) मर्णाण कुमार पुत्र हरि राम, 16. प्यारे लाल पुत्र किर्पू आदि, 20. खेम चन्द, 24. हम राज पुत्र रमान आदि, निवासी रैन, तहसील शाहपुर ।

प्रार्थना-पत्र बावन तकसीम भूमि खाता नं० 18, खतौनी नं० 38 ता 40, खमरा नं० 889, 894, 901, 892, 897, 899, 903, 893, 896, 900, 904, 890, 895, 898, 902, 883, 906, 907, 920, 888 कित्ता 21, रकबा तादादी 0-27-11, बाक्या मुहल मुन्दा, मौजा लदवाड़ा, तहसील शाहपुर ।

प्रार्थी जट लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने एक प्रार्थना-पत्र बावन तकसीम इस न्यायालय में दायर किया है कि इस भूमि का सांझा होने के कारण अपना खाता अलग कायम करवाना चाहता है इस केस में प्रतिवादीगण नं० 10 मृतक के वारसानों को कई बार समन जारी हो चुके हैं परन्तु साधारण ढंग से तामील न हो पा रही है ।

अतः उक्त प्रतिवादीगण को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001 को इस न्यायालय में प्रातः 10.00 बजे असालतन या वकालतन हाजिर आकर मुकद्दमा की पैरवी करें अन्यथा उनके खिलाफ एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 15-11-2000 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जगदीश पराशर,  
सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा,  
हिमाचल प्रदेश ।

व अदालत श्री जगदीश पराशर, सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा : तकसीम तारीख पेशी : 14-2-2001.

जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील शाहपुर ।

बनाम

1. होशियार सिंह, पुत्र लक्ष्मण, 2. बलदेव सिंह, 3. धीर सिंह, 4. राम सिंह, 5. श्रीमती सेवा देवी विधवा मुन्गी राम, गांव मुन्दा, डाकखाना लदवाड़ा, 6. श्रीमती गुजरी देवी विधवा व 7. सोनू पुत्र प्यारे लाल, निवासी माटो, डाकखाना राजोल, 8. सुरेश कुमार पुत्र, 9. श्रीमती जोशिमदा देवी पुत्री बोरखी, गांव मुन्दा, डाकखाना लदवाड़ा, तहसील शाहपुर ।

प्रार्थना-पत्र बावन तकसीम भूमि खाता नं० 10, खतौनी नं० 45, खमरा नं० 865, रकबा तादादी 0-34-32 हैक्टेयर, बाक्या मुहल मुन्दा, मौजा लदवाड़ा, तहसील शाहपुर ।

प्रार्थी जट पुत्र लक्ष्मण, निवासी व डाकखाना लदवाड़ा, तहसील शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने एक प्रार्थना-पत्र बावन तकसीम इस न्यायालय में दायर किया है कि इस भूमि का सांझा होने के कारण अपना खाता अलग कायम करवाना चाहता है । प्रतिवादीगण को बार-बार समन जारी हो चुके हैं परन्तु साधारण ढंग से तामील न हो पा रही है ।

अतः उक्त प्रतिवादीगण को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001 को इस न्यायालय में प्रातः 10.00 बजे असालतन या वकालतन हाजिर आकर मुकद्दमा की पैरवी करें अन्यथा उनके खिलाफ एक तरफा कार्यवाही अमल में लाई जावेगी ।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

जगदीश पराशर,  
सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा,  
हिमाचल प्रदेश ।

व अदालत श्री जगदीश पराशर, सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा—तकसीम तारीख पेशी—14-2-2001

जट पुत्र लक्ष्मण, निवासी व डाकखाना लदवाड़ा, तहसील शाहपुर ।

बनाम

1. होशियार सिंह पुत्र लक्ष्मण, 2. बलदेव सिंह, 3. धीर सिंह, 4. राम सिंह, 5. श्रीमती सेवा देवी विधवा मुन्गी राम, 6. ब्रिशन दाम, 7. प्रकाश चन्द, 8. स्वरूप चन्द पुत्र त्रिलोचन, 9. करतार चन्द, 10. काली दाम, 11. खेम चन्द, 12. जीवन कुमार, 13. महान सिंह



पुत्रान 14. श्रीमती शान्ती देवी विधवा जगत राम, 15. प्यारे लाल  
16. साहिब सिंह पुत्र किरपू, 17. अमर नाथ, 18. हंस राज पुत्र  
मालीग्राम, 19. मनीष कुमार पुत्र हरी राम गांव व डाकखाना  
लदवाड़ा तहसील शाहपुर।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मोहर अदालत  
में जारी हुआ।

मोहर।

जगदीश पराशर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री जगदीश पराशर, सहायक समाहर्ता द्वितीय श्रेणी  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मु० : तकसीम

तारीख पेशी : 14-2-2001

जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील  
शाहपुर।

बनाम

प्रार्थना पत्र बराये तकसीम भूमि खाना नं० 68, खतीनी नं० 123,  
124, 125, 126, खमरा नं० 262, 267, 263, 265, 264  
266 किता-6, रकबा 0-78-34 हेक्टेयर वाक्या महाल कथडोह,  
मौजा राजोल, तहसील शाहपुर।

प्रार्थी जट पुत्र लक्ष्मण निवासी व डाकखाना लदवाड़ा, तहसील  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश ने एक प्रार्थना पत्र बाबत  
तकसीम इस न्यायालय में दायर किया है कि इस भूमि का सांझा होने  
के कारण अपना खाता अलग करवाना चाहता है। इस केस  
में प्रतिवादियों को बार-बार समन जारी हो चुके हैं परन्तु साधारण  
ढंग से तामील न हो पा रही है। अतः उक्त प्रतिवादीगण को इस  
इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001  
को इस न्यायालय में प्रातः 10.00 बजे अमानतन या वकालतन  
हाजिर आ कर मुकद्दमा की पैरवी करें अन्यथा उनके खिलाफ कार्य-  
वाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 13-11-2000 को हमारे हस्ताक्षर व मोहर अदालत  
में जारी हुआ।

मोहर।

जगदीश पराशर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

ब अदालत श्री जगदीश पराशर, सहायक समाहर्ता, द्वितीय श्रेणी  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मुकद्दमा—तकसीम

तारीख पेशी—14-2-2001

जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा, तहसील शाहपुर।

बनाम

1. होशियार सिंह पुत्र लक्ष्मण 2. बलदेव सिंह 3. धीर सिंह  
4. राम सिंह पुत्रान 5. सेवा देवी विधवा मुन्गी 6. विजन दाम  
7. प्रकाश चन्द 8. स्वरूप चन्द पुत्रान त्रिलाचन 9. जगत राम  
10. साहिब सिंह 11. प्यारे लाल पुत्रान किरपू 12. अमर नाथ  
13. हंस राज पुत्रान रमाल सिंह गांव व डाकखाना लदवाड़ा 15. स्वरूप  
16. सुदेश कुमार पुत्रान पूर्ण चन्द 17. अश्वनी कुमार पुत्र पूर्ण चन्द  
निवासी लदवाड़ा, डाकखाना लदवाड़ा, तहसील शाहपुर।

प्रार्थना-पत्र बराए तकसीम भूमि खाता नं० 95, खतीनी नं० 184  
व 188, खमरा नं० 210, 168, 170, 200, 209, 169,  
879/201, 207, 208, 211, 878/201, 202, किता-12  
रकबा ता० 1-11-73 हेक्टेयर वाक्या गगल मौजा राजोल, तहसील  
शाहपुर।

प्रार्थी जट पुत्र लक्ष्मण, निवासी लदवाड़ा, तहसील शाहपुर, जिला  
कांगड़ा, हिमाचल प्रदेश ने एक प्रार्थना-पत्र बाबत तकसीम इस न्यायालय  
में दायर किया है कि इस भूमि का सांझा होने के कारण अपना खाता  
अलग करवाना चाहता है। इस केस में प्रतिवादी नं० 9 व 14 मृतक  
हैं। प्रतिवादी नं० 9 के वारसान 1. शान्ती देवी विधवा, 2. काली  
दास, 3. जीवन कुमार, 4. खेम चन्द, 5. पहाड़ सिंह पुत्रान जगत  
राम निवासी महाल गगल, मौजा राजोल। प्रतिवादी नं० 14 के  
वारसान 1. श्रीमती जगदम्बा देवी विधवा, 2. संजीव कुमार 3. अनीता  
देवी पुत्री भुवनेश कुमार निवासी महाल व मौजा रेत। प्रतिवादी नं०  
9 व 14 के वारसानों को कई बार समन जारी हो चुके हैं परन्तु  
साधारण ढंग से तामील नहीं हो पा रही है। अतः उक्त प्रतिवादीगण  
को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक  
14-2-2001 को इस न्यायालय में प्रातः 10.00 बजे अमानतन  
या वकालतन हाजिर आ कर मुकद्दमा की पैरवी करें अन्यथा उनके  
खिलाफ एक तरफा कार्यवाही अमल में लाई जायेगी।

1. होशियार सिंह पुत्र लक्ष्मण, 2. बलदेव सिंह, 3. धीर सिंह,  
4. राय सिंह पुत्र व 5. श्रीमती सेवा देवी विधवा मुन्गी, 6. विजन  
दाम, 7. प्रकाश चन्द, 8. स्वरूप चन्द पुत्र त्रिलाचन, 9. जगत राम  
10. साहिब सिंह, 11. प्यारे लाल, पुत्र किरपू, 12. अमर नाथ,  
13. हंस राज पुत्र रमाल सिंह, 14. बृद्धि सिंह, 15. किशोरी लाल  
पुत्र गिदार, 16. प्रभाष सिंह, 17. मौजा राम, 18. हरबन लाल,  
19. धर्म सिंह, 20. मुभाष सिंह पुत्र जैमी, 21. निंकू राम, 22. मोनु  
राम पुत्र चन्द्र, 23. गोरख, 24. चूनी लाल, 25. दूनी राम पुत्र  
श्रीमती गोता देवी, 27. अजुष्ठा देवी पुत्री दिवाना, 28. कर्तारचन्द  
29. सरूप सिंह पुत्र भौकू, 30. प्रताप चन्द पुत्र मंगन राम, 31. विट्  
पुत्र नन्द, 32. सतीश कुमार हरि गांव व डाकखाना लदवाड़ा तहसील  
शाहपुर।

प्रार्थना-पत्र बाबत तकसीम भूमि खाता नं० 138, खतीनी नं०  
254, खमरा नं० 614, रकबा ता० 0-21-30 हेक्टेयर,  
वाक्या महाल गगल, मौजा राजोल, तहसील शाहपुर।

प्रार्थी श्री जट राम पुत्र लक्ष्मण निवासी व डाकखाना लदवाड़ा,  
तहसील शाहपुर, जिला कांगड़ा हिमाचल प्रदेश ने एक प्रार्थना-पत्र बाबत  
तकसीम इस न्यायालय में दायर किया है कि इस भूमि का सांझा होने  
के कारण अपना खाता अलग करवाना चाहता है। इस केस में प्रति-  
वादी नं० 9 व 31 मृतकों के वारसानों 1. शान्ति देवी विधवा,  
2. काली दाम, 3. जीवन कुमार, 4. खेम चन्द, 5. पहाड़ सिंह  
प्रतिवादी, नं० 31 मृतक के वारसान, 1. रमेश चन्द, 2. उत्तम चन्द,  
5. भगवान दाम पुत्र व 4. कमलेश कुमारी विधवा विटो राम महाल  
गगल, मौजा राजोल, 5. रविन्द्र कुमार, 6. भूपिन्द कुमार, 7. कपिल  
कुमार पुत्रान श्रीम राज महाल पांड मौजा राजोल, तहसील शाहपुर।  
प्रतिवादीगण को बार-बार समन जारी हो चुके हैं। तथा साधारण ढंग  
से तामील न हो पा रही है। अतः उक्त प्रतिवादीगण को इस इशतहार  
द्वारा सूचित किया जाता है कि वह दिनांक 14-2-2001 को इस  
न्यायालय में प्रातः 10.00 बजे अमानतन या वकालतन हाजिर आकर  
मुकद्दमा की पैरवी करें। अन्यथा उनके खिलाफ एक तरफा कार्यवाही  
अमल में लाई जावेगी।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मोहर अदालत  
में जारी हुआ।

मोहर।

जगदीश पराशर,  
सहायक समाहर्ता द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा।

ब अदालत श्री जगदीश पराशर, सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश

किस्म मु० : तकसीम

तारीख पेशी : 14-2-2001

श्री जट पुत्र लक्ष्मण, गांव व डाकखाना लदवाड़ा तहसील शाहपुर,  
जिला कांगड़ा (हि० प्र०)।

बनाम

1. होशियार सिंह पुत्र लक्ष्मण, 2. बलदेव सिंह, 3. धीर सिंह,  
4. राय सिंह, पुत्र, 5. श्रीमती सेवा देवी विधवा मुन्गी राम,

6. विष्णु दाम, 7. प्रकाश चन्द, 8. स्वल्प चन्द पुत्र बलोचन, 9. करतार चन्द, 10. काली दास, 11. जीवन कुमार, 12. खेम चन्द, 14. महान सिंह पुत्र, 14. श्रीमती शान्ति देवी विधवा जगत राम, 15. साहिब सिंह, 16. प्यारे लाल पुत्र किरपू, 17. अमर नाथ, 18. हनु राज पुत्र, 19. श्रीमती धनी विधवा रसाल सिंह, 20. गोरख, 21. चूनी लाल, 22. दूलो राम पुत्र 23. श्रीमती गोता देवी, 24. अजुष्या देवी पुत्री दिवाना, 25. करतार चन्द, 26. सन्ध सिंह पुत्र श्रीक, 27. प्रताप चन्द पुत्र भगत, 28. प्रेम पुत्र कोडू गांव व डाकखाना लदवाड़ा, 29. राज पुत्र कोडू निवासी रैत तहसील शाहपुर।

प्रार्थना पत्र बावत नकसीम भूमि खाता नं० 136, खतौली नं० 251, खसरा नं० 615 रकबा, ता० 0-11-56 है० वाकया महाल गगल, मौजा राजौल, तहसील शाहपुर।

प्रार्थी जट पुत्र लक्ष्मण निवासी डाकखाना लदवाड़ा, तहसील शाहपुर, जिला कांगड़ा हिमाचल प्रदेश ने एक प्रार्थना पत्र बावत नकसीम इस न्यायालय में दायर किया है कि इस भूमि का खाता अलग कायम करवाना चाहता है। इस केस में प्रतिवादी नं० 19 व 28 मृतक के वारसों को बार-बार समन जारी हुए। परन्तु साधारण ढंग से नामील न हो पा रही है। अतः उक्त प्रतिवादीगण को इस इशतहार द्वारा सूचित किया जाता है कि दिनांक 14-2-2001 को इस न्यायालय में प्रातः 10.00 बजे असालतन या वकालतन हाजिर आ कर मुकदमा की परीक्षा करें अन्यथा उनके खिलाफ एकतरफा कारवाई अमल में लाई जावेगी।

आज दिनांक 15-11-2000 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

जगदीश पराशर,  
सहायक समाहर्ता, द्वितीय श्रेणी,  
शाहपुर, जिला कांगड़ा, हिमाचल प्रदेश।

व अदालत श्री जिव देव सिंह, कार्यकारी दण्डाधिकारी, जोगिन्दर नगर, हिमाचल प्रदेश

व मुकदमा:

श्रीमती पवना देवा श्री केशव राम, निवासी मनाह, डा० नौहली, तहसील जोगिन्दर नगर (हि० प्र०)

बनाम

ग्राम जनता

प्रतिवादी।

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त मुकदमा अदालत हजा में प्रार्थन श्रीमती पवना देवी पत्नी श्री केशव राम, निवासी मनाह, डा० नौहली, ग्राम पंचायत नौहली ने आवेदन किया है कि मेरे पति की मृत्यु 24-10-1998 को हुई है जो कि पंचायत रिकार्ड में दर्ज नहीं है। अब दर्ज की जावे।

अतः इस इशतहार द्वारा सर्वसाधारण को सूचित किया जाता है कि इस सम्बन्ध में यदि किसी व्यक्ति को उजर या एतराज हो तो वह अमालतन या वकालतन के माध्यम से 12-02-2001 को सुबह हाजर अदालत पेश करें अन्यथा कार्यवाही एक तरफा अमल में लाई जावेगी।

आज दिनांक 6-11-2000 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

जिव देव सिंह,  
कार्यकारी दण्डाधिकारी,  
जोगिन्दर नगर, हिमाचल प्रदेश।

व अदालत श्री विजय चन्दन, उप-मण्डल दण्डाधिकारी, सुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश

व मुकदमा:

श्रीमती मीना देवी पत्नी श्री चरनजीत कुमार, निवासी क्वाटर नं० 307/एस-1, डा० बी० एस० एल० टाउन शिप, तहसील सुन्दरनगर, जिला मण्डी (हि० प्र०)

बनाम

ग्राम जनता

प्रतिवादी।

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

उपरोक्त मुकदमा में श्रीमती मीना देवी प्रार्थिका ने दिनांक 22-12-2000 को इस अदालत में प्रार्थना-पत्र पेश किया है कि उसकी पुत्री कोमल देवी का जन्म दिनांक 22-2-1998 को उसके निवास स्थान पर हुआ है, लेकिन समय पर उसकी जन्म तिथि नगर परिषद् सुन्दरनगर में दर्ज नहीं करवाई है। अब दर्ज करने के आदेश जारी कर दिए जावें।

अतः ग्राम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी भी व्यक्ति को इस बारा उजर व एतराज आदि हो तो वह पेशी दिनांक 13-2-2001 सुबह 10.00 बजे सुबह या इससे पूर्व असालतन या वकालतन हाजर अदालत होकर पेश करें अन्यथा दीगर कार्यवाही एक तरफा अमल में लाई जावेगी,

आज दिनांक 3-1-2001 को मेरे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

विजय चन्दन,  
उप-मण्डल अधिकारी सुन्दरनगर,  
जिला मण्डी (हि० प्र०)।

व अदालत डा० एम० पी० सुद (हि० प्र० से०), उप-मण्डल दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री प्रदीप कुमार पुत्र किशोरी लाल, निवासी बांगरू, तहसील पांवटा, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री प्रदीप कुमार पुत्र किशोरी लाल, निवासी बांगरू, तहसील पांवटा ने इस अदालत में एक प्रार्थना-पत्र गुजारा है कि उसके लड़के/लड़की नाम अंकित एवं पूजा का जन्म, दिनांक 27-11-97, 6-6-93 को हुआ है। परन्तु अज्ञानतावश वह उनकी जन्म तिथि नगर परिषद पांवटा साहिब के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार के माफत सूचित किया जाता है कि इस बारे किसी को कोई उजर या एतराज हो तो वह, दिनांक 12-2-2001 को प्रातः 10.00 बजे अदालत हजा स्थित पांवटा में असालतन या वकालतन हाजर आकर दर्ज करा सकता है। निर्धारित अवधि के पश्चात् कोई आपत्ति प्राप्त न होने की शर्त में प्रार्थना-पत्र श्री प्रदीप कुमार पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 11-1-2001 को मेरे हस्ताक्षर व मोहर अदालत में जारी किया गया।

मोहर।

डा० एम० पी० सुद,  
उप-मण्डल दण्डाधिकारी,  
पांवटा साहिब, जिला सिरमौर (हि० प्र०)।

ब अदालत डा0 एम0 पी0 सुद (हि0 प्र0 से0), उप-मण्डल दण्डाधिकारी, पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री वीर सिंह पुत्र सोनू राम, निवासी कुडला खर्क, तहसील पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री वीर सिंह पुत्र सोनू राम, निवासी ग्राम कुडला खर्क, तह0 पांवटा ने इस अदालत में प्रार्थना पत्र गुजारा है कि उसके लड़के नाम जितेंद्र का जन्म, दिनांक 31-12-1993 को हुआ परन्तु अज्ञानतावश वह उसकी जन्म तिथि ग्राम पंचायत भरीग बनेडी के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि यदि इस बारे किसी को कोई उजर/एतराज हो तो वह दिनांक 12-2-2001 को प्रातः 10.00 बजे अदालत हुआ स्थित पांवटा में अदालत या वकालत हाजिर आकर दर्ज करा सकता है निर्धारित अवधि पश्चात कोई आपत्ति प्राप्त न होने की सूरत में प्रार्थना-पत्र श्री वीर सिंह पर नियमानुसार कार्यवाही कर दी जाएगी।

आज दिनांक 11-1-2001 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

डा0 एम0 पी0 सुद,  
उप-मण्डल दण्डाधिकारी,  
पांवटा साहिब, जिला सिरमौर।

ब अदालत डा0 एम0 पी0 सुद (हि0 प्र0 से0), उप-मण्डल दण्डा-धिकारी, पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

श्री सूरत सिंह पुत्र खुलिया, निवासी डांडा, तह0 पांवटा, जिला सिरमौर (हि0 प्र0)।

बनाम

ग्राम जनता

प्रार्थना-पत्र जेर धारा 13 (3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री सूरत सिंह पुत्र खुलिया निवासी डांडा तहसील पांवटा ने इस अदालत में एक प्रार्थना-पत्र गुजारा है कि उसके पिता की मृत्यु 30-12-97 को हुई थी परन्तु अज्ञानतावश वह उसकी मृत्यु तिथि ग्राम पंचायत डांडा के रिकार्ड में दर्ज नहीं करा सका है।

अतः सर्वसाधारण को इस इशतहार के माफत सूचित किया जाता है कि यदि इस बारे किसी को कोई उजर/एतराज हो तो, वह दिनांक 12-2-2001 को प्रातः 10.00 बजे अदालत हुआ स्थित पांवटा में अदालत या वकालत हाजिर आकर दर्ज करा सकता है निर्धारित अवधि के पश्चात कोई आपत्ति प्राप्त न होने की सूरत में प्रार्थना-पत्र श्री सूरत सिंह पर नियमानुसार कार्यवाही की जाएगी।

आज दिनांक 11-1-2001 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया।

मोहर।

डा0 एम0 पी0 सुद,  
उप-मण्डल दण्डाधिकारी पांवटा साहिब,  
जिला सिरमौर (हि0 प्र0)।

ब अदालत श्री एम0 आर0 शर्मा, कार्यकारी दण्डाधिकारी (नायब तहसीलदार), अर्की, जिला सोलन (हि0 प्र0)

श्री बन्त राम पुत्र मकोडू राम, निवासी सोयली, परगना सन्धुत-शर्की, तहसील अर्की, जिला सोलन (हि0 प्र0) . . प्रार्थी।

बनाम

ग्राम जनता

प्रार्थना-पत्र बगर्ज दस्तुती नाम राजस्व अभिलेख।

उपरोक्त प्रार्थी ने हमारे समक्ष एक प्रार्थना-पत्र इस आशय से प्रस्तुत किया है कि उसका नाम राजस्व अभिलेख के एक खाता में नत्पू पुत्र मकोडू राम दर्ज किया जाता है जबकि उसका वास्तविक नाम बन्त राम पुत्र मकोडू राम है। इसकी पुष्टी में प्रार्थी ने अपने मरकारी सेवाकाल के कागजात व ब्यान हलफिया संलग्न किए हैं। अतः प्रार्थी ने राजस्व अभिलेख में दस्तुती चाही है।

अतः ग्राम जनता को इस इशतहार द्वारा सूचित किया जाता है कि बन्त राम जिसका नाम राजस्व अभिलेख में दर्ज है यदि किसी को कासर का नाम राजस्व अभिलेख में बन्त राम पुत्र मकोडू राम माकना सोयली, तहसील अर्की, जिला सोलन दर्ज करने बारे कोई आपत्ति हो तो वह दिनांक 12-2-2001 को प्रातः 10.00 बजे इस न्यायालय में अदालत या वकालत उपस्थित होकर अपना पक्ष प्रस्तुत कर सकता है अन्यथा नियमानुसार कार्यवाही अमल में लाई जाकर एकतरफा कार्यवाही अमल में लाई जावेगी।

आज दिनांक 3-1-2001 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

एम0 आर0 शर्मा,  
सहायक कलेक्टर (द्वितीय वर्ग)  
अर्की, जिला सोलन (हि0 प्र0)।

ब अदालत श्री प्रवीण कुमार टाक, कार्यकारी दण्डाधिकारी, कसौली, जिला सोलन, हिमाचल प्रदेश

श्री किशोरी लाल पुत्र श्री वाल मुकन्द, निवासी, गढ़खल बाजार, कसौली, जिला सोलन, हिमाचल प्रदेश।

बनाम

ग्राम जनता

दरखवास्त जेर धारा 13 (3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्री किशोरी लाल पुत्र श्री मुकन्द, निवासी गढ़खल बाजार, तहसील कसौली, जिला सोलन, हिमाचल प्रदेश ने इस अदालत में एक प्रार्थना-पत्र प्रस्तुत किया है कि उसकी पुत्री संगीता का जन्म 13 दिसम्बर, 1973 को मुकाम गढ़खल बाजार, तहसील कसौली में हुआ था। जिसका नाम ग्राम पंचायत रिकार्ड में दर्ज न हुआ है।

अतः इस इशतहार अदालती द्वारा सर्वसाधारण जनता को सूचित किया जाता है कि यदि किसी व्यक्ति को संगीता पुत्री किशोरी लाल, निवासी गढ़खल बाजार की जन्म तिथि पंचायत रिकार्ड में दर्ज करने बारे कोई एतराज हो तो दिनांक 11-2-2001 को इस अदालत में अदालत या वकालत हाजिर होकर एतराज पेश कर सकता है अन्यथा सम्बन्धित पंचायत को जन्म तिथि दर्ज करने के आदेश जारी कर दिए जाएंगे।

आज दिनांक 29-11-2000 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रवीण कुमार टाक,  
कार्यकारी दण्डाधिकारी,  
कसौली, जिला सोलन (हि0 प्र0)।

In the Court of Shri J. N. Barowalia, District Judge,  
Una (H. P.)

failing which *ex-parte* proceeding shall be taken  
against them according to law.

Guardian and Wards Petition No. 11/2000  
Date of hearing : 13-2-2001

Given under my hand and the seal of the court  
this 19th day of December, 2000.

Suresh Kumar V/s General Public

Seal.

J. N. YADAV,  
Sub Judge 1st Class,  
Una, District Una (H.P.).

Suresh Kumar son of Krishan Dev, east Rajpur,  
r/o village Sanghnai, Tehsil Amb, District Una, HP.  
.. Applicant.

Versus

General Public .. Respondent.

Application u/s 7 of Guardian and Ward Act,  
1890 for appointment of guardian.

Whereas the applicant has filed a petition in this  
court under section 7 of G & W Act 1890 for appoint-  
ment of guardian of minors (i) Sushil Kumar son  
(ii) Miss Parveen Kumari daughter of Shri Krishan  
Dev r/o village Sanghnai, Tehsil Amb, District Una  
to apply and correspondence for pension, gratuity  
and other dues of the deceased Krishan Dev who  
expired on 16-9-2000 and mother expired on  
11-11-1993.

Hence, proclamation is hereby issued to the General  
Public and kith and kins of the deceased Krishan  
Dev s/o Karam Chand r/o village Sanghnai, Tehsil  
Amb, District Una for filing objection, if any, before  
this court on 13-2-2001 at 10.00 A. M. personally and  
through an Advocate or authorised agent to defend  
the case, failing which the petition will be heard and  
disposed of *ex parte*.

Given under my hand and the seal of the court  
this the 11th day of January, 2001.

Seal. J. N. BAROWALIA,  
District Judge,  
Una (H.P.).

In the Court of Shri J. N. Yadav Sub Judge 1st Class,  
Court No. 1, Una, District Una (H.P.)

Civil Suit No. 20/93.

Vikram Singh V/s Ishar Dass etc.

To

1. Taro wd/o, 2. Abhinash, 3. Rakesh, 4. Jagdish  
sons of Ishar Dass 5. Swarna, 6. Reeta, 7. Nonni  
ds/o Ishar Dass, Caste Khatri r/o village Una,  
Himachal Pradesh.

Whereas in the above noted case, it has been pro-  
vided to the satisfaction of this court that service  
upon the above noted L. Rs. of defendant Ishar Dass  
is not possible by an ordinary mode of service.  
Hence this proclamation under order 5 Rule 20 CPC  
is hereby issued against the above noted L. Rs. of  
defendant to appear before this court on 14-2-2001  
at 10.00 A. M. personally or through an authorised agent  
or pleader to defend the case and file reply, if any.

न्यायालय श्री के. एस० चौधरी, तहसीलदार एवं सहायक समाहर्ता  
प्रथम वर्ग, बंगाणा, जिला ऊना, हिमाचल प्रदेश

मुकद्मा नं०

निधि पेशी

50/बी०टी०/2000-तकसीम

16-2-2001

श्री प्रताप सिंह पुत्र कांशी राम, नीलम कुमारी पत्नी प्रताप सिंह,  
गांव घुगन ककराना, तहसील बंगाणा, जिला ऊना

वादो ।

बनाम

1. सर्वश्री केसर सिंह, 2. भजना पुरान जगोरी, 3. चंचला देवी  
पुत्री जगोरी, 4. कांशी राम पुत्र बखाली राम, 5. जोगिन्द्र सिंह,  
6. आशा देवी पुत्री जैसी राम, 7. गुरदियाल सिंह, 8. सुरेन्द्र सिंह,  
पुत्र जैसी, 9. अमरो देवी पत्नी जैसी, 10. करतार चन्द,  
11. जसवंत सिंह, 12. प्रकाश चन्द, 13. रमेश चन्द, 17. भगवानो,  
पत्नी जमीत उर्फ नानक, गांव घुगन, तहसील बंगाणा, 18. चमन लाल,  
19. जोहली राम, 20. बलवन्त, 21. बलवीर, 22. केहर सिंह,  
23. केसरी देवी मुपुत्री गीता देवी, गांव तथार, तहसील बंगाणा,  
हिमाचल प्रदेश ।

मुकद्मा तकसीम भूमि तादादी 14-69-84, खेबट नं० 23,  
खतीमी नं० 29 से 34, खसरा नं० किता 71, गांव घुगन  
ककराना, जमाबन्दी 1996-97,

उपरोक्त मुकद्मा तकसीम में प्रतिवादी नं० 1 से 23 तक को इस  
न्यायालय द्वारा कई बार समन जारी किया गया परन्तु तामील न  
हो सकी । अतः इस न्यायालय की सन्तुष्टी के लिए यह सिद्ध  
हो चुका है कि उपरोक्त प्रतिवादीगण की तामील साधारण तरीका  
से नहीं हो सकती है इस लिए इस राजपत्र इस्तहार मुनादी द्वारा  
प्रतिवादीगण नं० 1 से 23 उपरोक्त को सूचित किया जाता है  
कि वह दिनांक 16 फरवरी 2001 को इस मुकद्मा की परखी  
हेतु व्यक्तिगत रूप अथवा किसी अधिवक्ता के माध्यम से या  
किसी अधिकृत एजेंट के माध्यम से इस न्यायालय में उपस्थित  
आएं अन्यथा अनुपस्थिति की भवस्था में एक पक्षीय कार्यवाही अमल  
में लाई जाएगी तथा बाद में किसी प्रकार की आपति अथवा  
अनुरोध नहीं सुना जाएगा ।

आज दिनांक 21-12-2000 को मेरे हस्ताक्षर व न्यायालय की  
मोहर सहित जारी हुआ ।

मोहर ।

के० एस० चौधरी,  
तहसीलदार एवं  
सहायक समाहर्ता प्रथम वर्ग,  
बंगाणा, जिला ऊना (हि० प्र०) ।

भाग 6 भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

भाग 7- भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य  
निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

निबन्धक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित तथा प्रकाशित